

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2231**

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**Introduced by Assembly Member Calderon**  
***(Coauthor: Assembly Member Travis Allen)***

February 18, 2016

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An act to amend Sections 1566.7, 1569.335, 1596.819, and 1596.859 of, and to amend, repeal, and add Sections 1548, 1568.0822, 1569.49, 1596.8595, 1596.99, and 1597.58 of, the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2231, as amended, Calderon. Care facilities: civil penalties.

Existing law establishes the State Department of Social Services and sets forth its powers and duties, including, but not limited to, the licensure and regulation of community care facilities, residential care facilities for persons with chronic life-threatening illnesses, residential care facilities for the elderly, day care centers, and family day care homes. Existing law authorizes the department to impose various civil penalties for a licensing violation under those provisions, as specified, and requires moneys collected from the imposition of those penalties to be expended for certain purposes. Existing law establishes a process for the appeal of a citation under these provisions.

This bill would, commencing July 1, 2017, increase the amount of civil penalties to be imposed for a licensing violation under those provisions, and would impose civil penalties for a repeat violation of

those provisions, as specified. *The bill would authorize the department, in its sole discretion, to reduce the civil penalty for the cited repeat violation to the level of the underlying violation, if applicable, if it determines that the cited repeat violation is not substantially similar to the original violation.* The bill would delete the provisions that authorize the department to impose those civil penalties, and instead *would* require the imposition of ~~those~~ civil penalties under those provisions. The bill would require the department to make a good faith effort to work with the licensee to determine the cause of the deficiency and ways to prevent any repeat violations, and to adopt regulations setting forth the appeal procedures for deficiencies. The bill would require civil penalties to be due and payable when administrative appeals have been exhausted and to be subject to late fees, except as specified. The bill would also delete obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1548 of the Health and Safety Code is
- 2 amended to read:
- 3 1548. (a) In addition to the suspension, temporary suspension,
- 4 or revocation of a license issued under this chapter, the department
- 5 may levy a civil penalty.
- 6 (b) The amount of the civil penalty shall not be less than
- 7 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day
- 8 for each violation of this chapter except where the nature or
- 9 seriousness of the violation or the frequency of the violation
- 10 warrants a higher penalty or an immediate civil penalty assessment,
- 11 or both, as determined by the department. Except as otherwise
- 12 provided in this chapter, a civil penalty assessment shall not exceed
- 13 one hundred fifty dollars (\$150) per day per violation.
- 14 (c) Notwithstanding Section 1534, the department shall assess
- 15 an immediate civil penalty of one hundred fifty dollars (\$150) per
- 16 day per violation for any of the following serious violations:
- 17 (1) (A) Fire clearance violations, including, but not limited to,
- 18 overcapacity, ambulatory status, inoperable smoke alarms, and
- 19 inoperable fire alarm systems. The civil penalty shall not be
- 20 assessed if the licensee has done either of the following:

1 (i) Requested the appropriate fire clearance based on ambulatory,  
2 nonambulatory, or bedridden status, and the decision is pending.

3 (ii) Initiated eviction proceedings.

4 (B) A licensee denied a clearance for bedridden residents may  
5 appeal to the fire authority, and, if that appeal is denied, may  
6 subsequently appeal to the Office of the State Fire Marshal, and  
7 shall not be assessed an immediate civil penalty until the final  
8 appeal is decided, or after 60 days has passed from the date of the  
9 citation, whichever is earlier.

10 (2) Absence of supervision, as required by statute or regulation.

11 (3) Accessible bodies of water when prohibited in this chapter  
12 or regulations adopted pursuant to this chapter.

13 (4) Accessible firearms, ammunition, or both.

14 (5) Refused entry to a facility or any part of a facility in violation  
15 of Section 1533, 1534, or 1538.

16 (6) The presence of an excluded person on the premises.

17 (d) (1) For a violation that the department determines resulted  
18 in the death of a resident at an adult residential facility, social  
19 rehabilitation facility, enhanced behavioral supports home licensed  
20 as an adult residential facility, adult residential facility for persons  
21 with special health care needs, or community crisis home, the civil  
22 penalty shall be fifteen thousand dollars (\$15,000).

23 (2) For a violation that the department determines resulted in  
24 the death of a person receiving care at an adult day program, the  
25 civil penalty shall be assessed as follows:

26 (A) Seven thousand five hundred dollars (\$7,500) for a facility  
27 licensed to care for 50 or fewer persons.

28 (B) Ten thousand dollars (\$10,000) for a facility licensed to  
29 care for 51 or more persons.

30 (3) For a violation that the department determines resulted in  
31 the death of a person receiving care at a therapeutic day services  
32 facility, community treatment facility, transitional shelter care  
33 facility, transitional housing placement provider, small family  
34 home, crisis nursery, group home, enhanced behavioral supports  
35 home licensed as a group home, or short-term residential treatment  
36 center, the civil penalty shall be assessed as follows:

37 (A) Seven thousand five hundred dollars (\$7,500) for a facility  
38 licensed to care for 40 or fewer children.

39 (B) Ten thousand dollars (\$10,000) for a facility licensed to  
40 care for 41 to 100, inclusive, children.

1 (C) Fifteen thousand dollars (\$15,000) for a facility licensed to  
2 care for more than 100 children.

3 (4) For a violation that the department determines resulted in  
4 the death of a youth receiving care at a runaway and homeless  
5 youth shelter licensed as a group home, the civil penalty shall be  
6 five thousand dollars (\$5,000).

7 (5) For a violation that the department determines resulted in  
8 the death of a child receiving care through a foster family agency,  
9 the civil penalty shall be seven thousand five hundred dollars  
10 (\$7,500).

11 (6) For a violation that the department determines resulted in  
12 the death of an individual receiving care or services through a  
13 full-service or noncustodial adoption agency, the civil penalty shall  
14 be seven thousand five hundred dollars (\$7,500).

15 (e) (1) (A) For a violation that the department determines  
16 constitutes physical abuse, as defined in Section 15610.63 of the  
17 Welfare and Institutions Code, or resulted in serious bodily injury,  
18 as defined in Section 243 of the Penal Code, to a resident at an  
19 adult residential facility, social rehabilitation facility, enhanced  
20 behavioral supports home licensed as an adult residential facility,  
21 adult residential facility for persons with special health care needs,  
22 or community crisis home, the civil penalty shall be ten thousand  
23 dollars (\$10,000).

24 (B) For a violation that the department determines constitutes  
25 physical abuse, as defined in Section 15610.63 of the Welfare and  
26 Institutions Code, or resulted in serious bodily injury, as defined  
27 in Section 243 of the Penal Code, to a person receiving care at an  
28 adult day program, the civil penalty shall be assessed as follows:

29 (i) Two thousand five hundred dollars (\$2,500) for a facility  
30 licensed to care for 50 or fewer persons.

31 (ii) Five thousand dollars (\$5,000) for a facility licensed to care  
32 for 51 or more persons.

33 (C) For a violation that the department determines constitutes  
34 physical abuse, as defined in paragraph (2), or resulted in serious  
35 bodily injury, as defined in Section 243 of the Penal Code, to a  
36 person receiving care at a therapeutic day services facility,  
37 community treatment facility, transitional shelter care facility,  
38 transitional housing placement provider, small family home, crisis  
39 nursery, group home, enhanced behavioral supports home licensed

1 as a group home, or short-term residential treatment center, the  
2 civil penalty shall be assessed as follows:

3 (i) Two thousand five hundred dollars (\$2,500) for a facility  
4 licensed to care for 40 or fewer children.

5 (ii) Five thousand dollars (\$5,000) for a facility licensed to care  
6 for 41 to 100, inclusive, children.

7 (iii) Ten thousand dollars (\$10,000) for a facility licensed to  
8 care for more than 100 children.

9 (D) For a violation that the department determines constitutes  
10 physical abuse, as defined in paragraph (2), or resulted in serious  
11 bodily injury, as defined in Section 243 of the Penal Code, to a  
12 youth receiving care at a runaway and homeless youth shelter  
13 licensed as a group home, the civil penalty shall be one thousand  
14 dollars (\$1,000).

15 (E) For a violation that the department determines constitutes  
16 physical abuse, as defined in paragraph (2), or resulted in serious  
17 bodily injury, as defined in Section 243 of the Penal Code, to a  
18 child receiving care through a foster family agency, the civil  
19 penalty shall be two thousand five hundred dollars (\$2,500).

20 (F) For a violation that the department determines constitutes  
21 physical abuse, as defined in paragraph (2), or resulted in serious  
22 bodily injury, as defined in Section 243 of the Penal Code, to an  
23 individual receiving care or services through a full-service or  
24 noncustodial adoption agency, the civil penalty shall be two  
25 thousand five hundred dollars (\$2,500).

26 (2) For purposes of subparagraphs (C), (D), (E), and (F) of  
27 paragraph (1), “physical abuse” includes physical injury inflicted  
28 upon a child by another person by other than accidental means,  
29 sexual abuse as defined in Section 11165.1 of the Penal Code,  
30 neglect as defined in Section 11165.2 of the Penal Code, or  
31 unlawful corporal punishment or injury as defined in Section  
32 11165.4 of the Penal Code when the person responsible for the  
33 child’s welfare is a licensee, administrator, or employee of any  
34 facility licensed to care for children.

35 (f) Prior to the issuance of a citation imposing a civil penalty  
36 pursuant to subdivision (d) or (e), the decision shall be approved  
37 by the program administrator of the Community Care Licensing  
38 Division.

39 (g) Notwithstanding Section 1534, any facility that is cited for  
40 repeating the same violation of this chapter within 12 months of

1 the first violation is subject to an immediate civil penalty of one  
2 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day  
3 the violation continues until the deficiency is corrected.

4 (h) Any facility that is assessed a civil penalty pursuant to  
5 subdivision (g) that repeats the same violation of this chapter within  
6 12 months of the violation subject to subdivision (g) is subject to  
7 an immediate civil penalty of one hundred fifty dollars (\$150) for  
8 each day the violation continues until the deficiency is corrected.

9 (i) (1) The department shall adopt regulations setting forth the  
10 appeal procedures for deficiencies.

11 (2) A notification of a deficiency written by a representative of  
12 the department shall include a factual description of the nature of  
13 the deficiency fully stating the manner in which the licensee failed  
14 to comply with the specified statute or regulation, and, if  
15 applicable, the particular place or area of the facility in which the  
16 deficiency occurred.

17 (j) (1) A licensee shall have the right to submit to the  
18 department a written request for a formal review of a civil penalty  
19 assessed pursuant to subdivisions (d) and (e) within 15 business  
20 days of receipt of the notice of a civil penalty assessment and shall  
21 provide all available supporting documentation at that time. The  
22 review shall be conducted by the deputy director of the Community  
23 Care Licensing Division. The licensee may submit additional  
24 supporting documentation that was unavailable at the time of  
25 submitting the request for review within the first 30 business days  
26 after submitting the request for review. If the department requires  
27 additional information from the licensee, that information shall be  
28 requested within the first 30 business days after receiving the  
29 request for review. The licensee shall provide this additional  
30 information within 30 business days of receiving the request from  
31 the department. If the deputy director determines that the civil  
32 penalty was not assessed, or the finding of deficiency was not  
33 made, in accordance with applicable statutes or regulations of the  
34 department, he or she may amend or dismiss the civil penalty or  
35 finding of deficiency. The licensee shall be notified in writing of  
36 the deputy director's decision within 60 business days of the date  
37 when all necessary information has been provided to the  
38 department by the licensee.

39 (2) Upon exhausting the review described in paragraph (1), a  
40 licensee may further appeal that decision to an administrative law

1 judge. Proceedings shall be conducted in accordance with Chapter  
2 5 (commencing with Section 11500) of Part 1 of Division 3 of  
3 Title 2 of the Government Code, and the department shall have all  
4 the powers granted by those provisions. In all proceedings  
5 conducted in accordance with this section, the standard of proof  
6 shall be by a preponderance of the evidence.

7 (3) If, in addition to an assessment of civil penalties, the  
8 department elects to file an administrative action to suspend or  
9 revoke the facility license that includes violations relating to the  
10 assessment of the civil penalties, the department review of the  
11 pending appeal shall cease and the assessment of the civil penalties  
12 shall be heard as part of the administrative action process.

13 (k) (1) A licensee shall have the right to submit to the  
14 department a written request for a formal review of any other civil  
15 penalty or deficiency not described in subdivision (j) within 15  
16 business days of receipt of the notice of a civil penalty assessment  
17 or a finding of a deficiency, and shall provide all available  
18 supporting documentation at that time. The review shall be  
19 conducted by a regional manager of the Community Care Licensing  
20 Division. The licensee may submit additional supporting  
21 documentation that was unavailable at the time of submitting the  
22 request for review within the first 30 business days after submitting  
23 the request for review. If the department requires additional  
24 information from the licensee, that information shall be requested  
25 within the first 30 business days after receiving the request for  
26 review. The licensee shall provide this additional information  
27 within 30 business days of receiving the request from the  
28 department. If the regional manager determines that the civil  
29 penalty was not assessed, or the finding of the deficiency was not  
30 made, in accordance with applicable statutes or regulations of the  
31 department, he or she may amend or dismiss the civil penalty or  
32 finding of deficiency. The licensee shall be notified in writing of  
33 the regional manager's decision within 60 business days of the  
34 date when all necessary information has been provided to the  
35 department by the licensee.

36 (2) Upon exhausting the review described in paragraph (1), the  
37 licensee may further appeal that decision to the program  
38 administrator of the Community Care Licensing Division within  
39 15 business days of receipt of notice of the regional manager's  
40 decision. The licensee may submit additional supporting

1 documentation that was unavailable at the time of appeal to the  
2 program administrator within the first 30 business days after  
3 requesting that appeal. If the department requires additional  
4 information from the licensee, that information shall be requested  
5 within the first 30 business days after receiving the request for the  
6 appeal. The licensee shall provide this additional information  
7 within 30 business days of receiving the request from the  
8 department. If the program administrator determines that the civil  
9 penalty was not assessed, or the finding of the deficiency was not  
10 made, in accordance with applicable statutes or regulations of the  
11 department, he or she may amend or dismiss the civil penalty or  
12 finding of deficiency. The licensee shall be notified in writing of  
13 the program administrator's decision within 60 business days of  
14 the date when all necessary information has been provided to the  
15 department by the licensee. The program administrator's decision  
16 is considered final and concludes the licensee's administrative  
17 appeal rights regarding the appeal conducted pursuant to this  
18 paragraph.

19 (l) The department shall adopt regulations implementing this  
20 section.

21 (m) The department shall, by January 1, 2016, amend its  
22 regulations to reflect the changes to this section made by Section  
23 2 of Chapter 813 of the Statutes of 2014.

24 (n) As provided in Section 11466.31 of the Welfare and  
25 Institutions Code, the department may offset civil penalties owed  
26 by a group home or short-term residential treatment center against  
27 moneys to be paid by a county for the care of minors after the  
28 group home or short-term residential treatment center has exhausted  
29 its appeal of the civil penalty assessment. The department shall  
30 provide the group home or short-term residential treatment center  
31 a reasonable opportunity to pay the civil penalty before instituting  
32 the offset provision.

33 (o) Notwithstanding the Administrative Procedure Act (Chapter  
34 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
35 Title 2 of the Government Code), the department may implement  
36 and administer the changes made by the act that added this  
37 subdivision through all-county letters or similar written instructions  
38 until regulations are adopted pursuant to the Administrative  
39 Procedure Act.



1 (p) This section shall become inoperative on July 1, 2017, and,  
2 as of January 1, 2018, is repealed, unless a later enacted statute,  
3 that becomes operative on or before January 1, 2018, deletes or  
4 extends the dates on which it becomes inoperative and is repealed.

5 SEC. 2. Section 1548 is added to the Health and Safety Code,  
6 to read:

7 1548. (a) In addition to the suspension, temporary suspension,  
8 or revocation of a license issued under this chapter, the department  
9 shall levy civil penalties as follows:

10 (b) (1) The amount of the civil penalty shall be one hundred  
11 dollars (\$100) per day for each violation of this chapter if an agency  
12 or facility fails to correct a deficiency after being provided a  
13 specified length of time to correct that deficiency.

14 (A) If a licensee or a licensee's representative submits evidence  
15 to the department that the licensee has corrected a deficiency, and  
16 the department, after reviewing that evidence, has determined that  
17 the deficiency has been corrected, the civil penalty shall cease as  
18 of the day the department received that evidence.

19 (B) If the department deems it necessary, the department shall  
20 inspect the facility within five working days after the department  
21 receives evidence pursuant to subparagraph (A) to confirm that  
22 the deficiency has been corrected.

23 (C) If the department determines that the deficiency has not  
24 been corrected, the civil penalty shall continue to accrue from the  
25 date of the original citation.

26 (D) If the department is able to verify that the deficiency was  
27 corrected prior to the date on which the department received the  
28 evidence pursuant to subparagraph (A), the civil penalty shall cease  
29 as of that earlier date.

30 (2) (A) If the department issues a notification of deficiency to  
31 an agency or facility for a repeat violation of a violation specified  
32 in paragraph (1), the department shall assess an immediate civil  
33 penalty of two hundred fifty dollars (\$250) per repeat violation  
34 and one hundred dollars (\$100) for each day the repeat violation  
35 continues after citation. The notification of deficiency shall state  
36 the manner in which the deficiency constitutes a repeat violation  
37 and shall be submitted to a supervisor for review and approval.

38 (B) For purposes of this section, "repeat violation" means a  
39 violation within 12 months of a prior violation of a statutory or

1 regulatory provision designated by the same combination of letters  
2 or numerals, or both letters and numerals.

3 *(C) Notwithstanding subparagraphs (A) and (B), the department,*  
4 *in its sole discretion, may reduce the civil penalty for the cited*  
5 *repeat violation to the level of the underlying violation, as*  
6 *applicable, if it determines that the cited repeat violation is not*  
7 *substantially similar to the original violation.*

8 (3) If the nature or seriousness of the violation or the frequency  
9 of the violation warrants a higher penalty or an immediate civil  
10 penalty assessment, or both, as provided in this chapter, a  
11 correction of the deficiency shall not impact the imposition of a  
12 civil penalty.

13 (c) The department shall assess an immediate civil penalty of  
14 five hundred dollars (\$500) per violation and one hundred dollars  
15 (\$100) for each day the violation continues after citation for any  
16 of the following serious violations:

17 (1) Any violation that the department determines resulted in the  
18 injury or illness of a person in care.

19 (2) (A) Fire clearance violations, including, but not limited to,  
20 overcapacity, ambulatory status, inoperable smoke alarms, and  
21 inoperable fire alarm systems. The civil penalty shall not be  
22 assessed if the licensee has done either of the following:

23 (i) Requested the appropriate fire clearance based on ambulatory,  
24 nonambulatory, or bedridden status, and the decision is pending.

25 (ii) Initiated eviction proceedings.

26 (B) A licensee denied a clearance for bedridden residents may  
27 appeal to the fire authority, and, if that appeal is denied, may  
28 subsequently appeal to the Office of the State Fire Marshal, and  
29 shall not be assessed an immediate civil penalty until the final  
30 appeal is decided, or after 60 days has passed from the date of the  
31 citation, whichever is earlier.

32 (3) Absence of supervision, as required by statute or regulation.

33 (4) Accessible bodies of water, when prohibited in this chapter  
34 or regulations adopted pursuant to this chapter.

35 (5) Accessible firearms, ammunition, or both.

36 (6) Refused entry to a facility or any part of a facility in violation  
37 of Section 1533, 1534, or 1538.

38 (7) The presence of a person subject to a department Order of  
39 Exclusion on the premises.

(d) If the department issues a notification of deficiency to an agency or facility for a repeat violation specified in subdivision (c), the department shall assess an immediate civil penalty of one thousand dollars (\$1,000) per repeat violation and one hundred dollars (\$100) for each day the repeat violation continues after citation. The notification of deficiency shall state the manner in which the deficiency constitutes a repeat violation and shall be submitted to a supervisor for review and approval.

(e) (1) For a violation that the department determines resulted in the death of a resident at an adult residential facility, social rehabilitation facility, enhanced behavioral supports home licensed as an adult residential facility, adult residential facility for persons with special health care needs, or community crisis home, the civil penalty shall be fifteen thousand dollars (\$15,000).

(2) For a violation that the department determines resulted in the death of a person receiving care at an adult day program, the civil penalty shall be assessed as follows:

(A) Seven thousand five hundred dollars (\$7,500) for a facility licensed to care for 50 or fewer persons.

(B) Ten thousand dollars (\$10,000) for a facility licensed to care for 51 or more persons.

(3) For a violation that the department determines resulted in the death of a person receiving care at a therapeutic day services facility, community treatment facility, transitional shelter care facility, transitional housing placement provider, small family home, crisis nursery, group home, enhanced behavioral supports home licensed as a group home, or short-term residential treatment center, the civil penalty shall be assessed as follows:

(A) Seven thousand five hundred dollars (\$7,500) for a facility licensed to care for 40 or fewer children.

(B) Ten thousand dollars (\$10,000) for a facility licensed to care for 41 to 100, inclusive, children.

(C) Fifteen thousand dollars (\$15,000) for a facility licensed to care for more than 100 children.

(4) For a violation that the department determines resulted in the death of a youth receiving care at a runaway and homeless youth shelter licensed as a group home, the civil penalty shall be five thousand dollars (\$5,000).

(5) For a violation that the department determines resulted in the death of a child receiving care through a foster family agency,

1 the civil penalty shall be seven thousand five hundred dollars  
2 (\$7,500).

3 (6) For a violation that the department determines resulted in  
4 the death of an individual receiving care or services through a  
5 full-service or noncustodial adoption agency, the civil penalty shall  
6 be seven thousand five hundred dollars (\$7,500).

7 (f) (1) (A) For a violation that the department determines  
8 constitutes physical abuse, as defined in Section 15610.63 of the  
9 Welfare and Institutions Code, or resulted in serious bodily injury,  
10 as defined in Section 243 of the Penal Code, to a resident at an  
11 adult residential facility, social rehabilitation facility, enhanced  
12 behavioral supports home licensed as an adult residential facility,  
13 adult residential facility for persons with special health care needs,  
14 or community crisis home, the civil penalty shall be ten thousand  
15 dollars (\$10,000).

16 (B) For a violation that the department determines constitutes  
17 physical abuse, as defined in Section 15610.63 of the Welfare and  
18 Institutions Code, or resulted in serious bodily injury, as defined  
19 in Section 243 of the Penal Code, to a person receiving care at an  
20 adult day program, the civil penalty shall be assessed as follows:

21 (i) Two thousand five hundred dollars (\$2,500) for a facility  
22 licensed to care for 50 or fewer persons.

23 (ii) Five thousand dollars (\$5,000) for a facility licensed to care  
24 for 51 or more persons.

25 (C) For a violation that the department determines constitutes  
26 physical abuse, as defined in paragraph (2), or resulted in serious  
27 bodily injury, as defined in Section 243 of the Penal Code, to a  
28 person receiving care at a therapeutic day services facility,  
29 community treatment facility, transitional shelter care facility,  
30 transitional housing placement provider, small family home, crisis  
31 nursery, group home, enhanced behavioral supports home licensed  
32 as a group home, or short-term residential treatment center, the  
33 civil penalty shall be assessed as follows:

34 (i) Two thousand five hundred dollars (\$2,500) for a facility  
35 licensed to care for 40 or fewer children.

36 (ii) Five thousand dollars (\$5,000) for a facility licensed to care  
37 for 41 to 100, inclusive, children.

38 (iii) Ten thousand dollars (\$10,000) for a facility licensed to  
39 care for more than 100 children.

1 (D) For a violation that the department determines constitutes  
2 physical abuse, as defined in paragraph (2), or resulted in serious  
3 bodily injury, as defined in Section 243 of the Penal Code, to a  
4 youth receiving care at a runaway and homeless youth shelter  
5 licensed as a group home, the civil penalty shall be one thousand  
6 dollars (\$1,000).

7 (E) For a violation that the department determines constitutes  
8 physical abuse, as defined in paragraph (2), or resulted in serious  
9 bodily injury, as defined in Section 243 of the Penal Code, to a  
10 child receiving care through a foster family agency, the civil  
11 penalty shall be two thousand five hundred dollars (\$2,500).

12 (F) For a violation that the department determines constitutes  
13 physical abuse, as defined in paragraph (2), or resulted in serious  
14 bodily injury, as defined in Section 243 of the Penal Code, to an  
15 individual receiving care or services through a full-service or  
16 noncustodial adoption agency, the civil penalty shall be two  
17 thousand five hundred dollars (\$2,500).

18 (2) For purposes of subparagraphs (C), (D), (E), and (F) of  
19 paragraph (1), “physical abuse” includes physical injury inflicted  
20 upon a child by another person by other than accidental means,  
21 sexual abuse as defined in Section 11165.1 of the Penal Code,  
22 neglect as defined in Section 11165.2 of the Penal Code, or  
23 unlawful corporal punishment or injury as defined in Section  
24 11165.4 of the Penal Code when the person responsible for the  
25 child’s welfare is a licensee, administrator, or employee of any  
26 facility licensed to care for children.

27 (g) (1) Before the assessment of a civil penalty pursuant to  
28 subdivision (e) or (f), the decision shall be approved by the program  
29 administrator of the Community Care Licensing Division.

30 (2) (A) The department shall reduce the amount of a civil  
31 penalty due pursuant to subdivision (e) or (f) by the amount of the  
32 civil penalty already assessed for the underlying violation.

33 (B) If the amount of the civil penalty that the department has  
34 already assessed for the underlying violation exceeds the amount  
35 of the penalty pursuant to subdivision (e) or (f), the larger amount  
36 shall prevail and be due and payable as already assessed by the  
37 department.

38 (h) (1) A notification of a deficiency written by a representative  
39 of the department shall include a factual description of the nature  
40 of the deficiency fully stating the manner in which the licensee

1 failed to comply with the specified statute or regulation, and, if  
2 applicable, the particular place or area of the facility in which the  
3 deficiency occurred. The department shall make a good faith effort  
4 to work with the licensee to determine the cause of the deficiency  
5 and ways to prevent any repeat violations.

6 (2) The department shall adopt regulations setting forth the  
7 appeal procedures for deficiencies.

8 (i) (1) A licensee shall have the right to submit to the  
9 department a written request for a formal review of a civil penalty  
10 assessed pursuant to subdivision (e) or (f) within 15 business days  
11 of receipt of the notice of a civil penalty assessment and shall  
12 provide all available supporting documentation at that time. The  
13 review shall be conducted by the deputy director of the Community  
14 Care Licensing Division. The licensee may submit additional  
15 supporting documentation that was unavailable at the time of  
16 submitting the request for review within the first 30 business days  
17 after submitting the request for review. If the department requires  
18 additional information from the licensee, that information shall be  
19 requested within the first 30 business days after receiving the  
20 request for review. The licensee shall provide this additional  
21 information within 30 business days of receiving the request from  
22 the department. If the deputy director determines that the civil  
23 penalty was not assessed, or the finding of deficiency was not  
24 made, in accordance with applicable statutes or regulations of the  
25 department, he or she may amend or dismiss the civil penalty or  
26 finding of deficiency. The licensee shall be notified in writing of  
27 the deputy director's decision within 60 business days of the date  
28 when all necessary information has been provided to the  
29 department by the licensee.

30 (2) Upon exhausting the review described in paragraph (1), a  
31 licensee may further appeal that decision to an administrative law  
32 judge. Proceedings shall be conducted in accordance with Chapter  
33 5 (commencing with Section 11500) of Part 1 of Division 3 of  
34 Title 2 of the Government Code, and the department shall have all  
35 the powers granted by those provisions. In all proceedings  
36 conducted in accordance with this section, the standard of proof  
37 shall be by a preponderance of the evidence.

38 (3) If, in addition to an assessment of civil penalties, the  
39 department elects to file an administrative action to suspend or  
40 revoke the facility license that includes violations relating to the

1 assessment of the civil penalties, the department review of the  
2 pending appeal shall cease and the assessment of the civil penalties  
3 shall be heard as part of the administrative action process.

4 (4) Civil penalties shall be due and payable when administrative  
5 appeals have been exhausted. Unless payment arrangements have  
6 been made that are acceptable to the department, a civil penalty  
7 not paid within 30 days shall be subject to late fees, as specified  
8 by the department in regulation.

9 (j) (1) A licensee shall have the right to submit to the  
10 department a written request for a formal review of any other civil  
11 penalty or deficiency not described in subdivision (i) within 15  
12 business days of receipt of the notice of a civil penalty assessment  
13 or a finding of a deficiency, and shall provide all available  
14 supporting documentation at that time. The review shall be  
15 conducted by a regional manager of the Community Care Licensing  
16 Division. The licensee may submit additional supporting  
17 documentation that was unavailable at the time of submitting the  
18 request for review within the first 30 business days after submitting  
19 the request for review. If the department requires additional  
20 information from the licensee, that information shall be requested  
21 within the first 30 business days after receiving the request for  
22 review. The licensee shall provide this additional information  
23 within 30 business days of receiving the request from the  
24 department. If the regional manager determines that the civil  
25 penalty was not assessed, or the finding of the deficiency was not  
26 made, in accordance with applicable statutes or regulations of the  
27 department, he or she may amend or dismiss the civil penalty or  
28 finding of deficiency. The licensee shall be notified in writing of  
29 the regional manager's decision within 60 business days of the  
30 date when all necessary information has been provided to the  
31 department by the licensee.

32 (2) Upon exhausting the review described in paragraph (1), the  
33 licensee may further appeal that decision to the program  
34 administrator of the Community Care Licensing Division within  
35 15 business days of receipt of notice of the regional manager's  
36 decision. The licensee may submit additional supporting  
37 documentation that was unavailable at the time of appeal to the  
38 program administrator within the first 30 business days after  
39 requesting that appeal. If the department requires additional  
40 information from the licensee, that information shall be requested

1 within the first 30 business days after receiving the request for the  
2 appeal. The licensee shall provide this additional information  
3 within 30 business days of receiving the request from the  
4 department. If the program administrator determines that the civil  
5 penalty was not assessed, or the finding of the deficiency was not  
6 made, in accordance with applicable statutes or regulations of the  
7 department, he or she may amend or dismiss the civil penalty or  
8 finding of deficiency. The licensee shall be notified in writing of  
9 the program administrator's decision within 60 business days of  
10 the date when all necessary information has been provided to the  
11 department by the licensee. The program administrator's decision  
12 is considered final and concludes the licensee's administrative  
13 appeal rights regarding the appeal conducted pursuant to this  
14 paragraph.

15 (3) Civil penalties shall be due and payable when administrative  
16 appeals have been exhausted. Unless payment arrangements have  
17 been made that are acceptable to the department, a civil penalty  
18 not paid within 30 days shall be subject to late fees, as specified  
19 by the department in regulation.

20 (k) The department shall adopt regulations implementing this  
21 section.

22 (l) The department shall, by January 1, 2016, amend its  
23 regulations to reflect the changes to this section made by Section  
24 2 of Chapter 813 of the Statutes of 2014.

25 (m) As provided in Section 11466.31 of the Welfare and  
26 Institutions Code, the department may offset civil penalties owed  
27 by a group home or short-term residential treatment center against  
28 moneys to be paid by a county for the care of minors after the  
29 group home or short-term residential treatment center has exhausted  
30 its appeal of the civil penalty assessment. The department shall  
31 provide the group home or short-term residential treatment center  
32 a reasonable opportunity to pay the civil penalty before instituting  
33 the offset provision.

34 (n) Notwithstanding the Administrative Procedure Act (Chapter  
35 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
36 Title 2 of the Government Code), the department may implement  
37 and administer the changes made by the act that added this  
38 subdivision through all-county letters or similar written instructions  
39 until regulations are adopted pursuant to the Administrative  
40 Procedure Act.



1 (o) This section shall become operative on July 1, 2017.

2 SEC. 3. Section 1566.7 of the Health and Safety Code is  
3 amended to read:

4 1566.7. The department shall notify affected placement  
5 agencies and the Office of the State Long-Term Care Ombudsman,  
6 as defined in subdivision (c) of Section 9701 of the Welfare and  
7 Institutions Code, whenever the department substantiates that a  
8 violation has occurred, which poses a serious threat to the health  
9 and safety of any resident when the violation results in the  
10 assessment of any penalty or causes an accusation to be filed for  
11 the revocation of a license. If the violation is appealed by the  
12 facility within 15 business days, the department shall only notify  
13 placement agencies of the violation when the appeal has been  
14 exhausted. If the appeal process has not been completed within 60  
15 days, the placement agency shall be notified with a notation which  
16 indicates that the case is still under appeal. The notice to each  
17 placement agency shall be updated monthly for the following  
18 24-month period and shall include the name and location of the  
19 facility, the amount of the fine, the nature of the violation, the  
20 corrective action taken, the status of the revocation, and the  
21 resolution of the complaint. At any time during which a facility is  
22 found to have one or more of the following serious deficiencies,  
23 the director shall provide an immediate notice of not to exceed  
24 five working days to the placement agency:

25 (a) Discovery that an employee of the facility has a criminal  
26 record which would affect the facility's compliance with Section  
27 1522.

28 (b) Discovery that a serious incident that resulted in physical  
29 or emotional trauma of a resident has occurred in a facility.

30 SEC. 4. Section 1568.0822 of the Health and Safety Code is  
31 amended to read:

32 1568.0822. (a) In addition to the suspension, temporary  
33 suspension, or revocation of a license issued under this chapter,  
34 the department may levy a civil penalty.

35 (b) The amount of the civil penalty shall not be less than  
36 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day  
37 for each violation of this chapter, except where the nature or  
38 seriousness of the violation or the frequency of the violation  
39 warrants a higher penalty or an immediate civil penalty assessment,  
40 or both, as determined by the department. Except as otherwise

provided in this chapter, a civil penalty assessment shall not exceed one hundred fifty dollars (\$150) per day per violation.

(c) Notwithstanding Section 1568.07, the department shall assess an immediate civil penalty of one hundred fifty dollars (\$150) per day per violation for any of the following serious violations:

(1) (A) Fire clearance violations, including, but not limited to, overcapacity, ambulatory status, inoperable smoke alarms, and inoperable fire alarm systems. The civil penalty shall not be assessed if the licensee has done either of the following:

(i) Requested the appropriate fire clearance based on ambulatory, nonambulatory, or bedridden status, and the decision is pending.

(ii) Initiated eviction proceedings.

(B) A licensee denied a clearance for bedridden residents may appeal to the fire authority, and, if that appeal is denied, may subsequently appeal to the Office of the State Fire Marshal, and shall not be assessed an immediate civil penalty until the final appeal is decided, or after 60 days has passed from the date of the citation, whichever is earlier.

(2) Absence of supervision, as required by statute and regulation.

(3) Accessible bodies of water, when prohibited in this chapter or regulations adopted pursuant to this chapter.

(4) Accessible firearms, ammunition, or both.

(5) Refused entry to a facility or any part of a facility in violation of Section 1568.07 or 1568.071.

(6) The presence of an excluded person on the premises.

(d) For a violation that the department determines resulted in the death of a resident, the civil penalty shall be fifteen thousand dollars (\$15,000).

(e) For a violation that the department determines constitutes physical abuse, as defined in Section 15610.63 of the Welfare and Institutions Code, or resulted in serious bodily injury, as defined in Section 243 of the Penal Code, to a resident, the civil penalty shall be ten thousand dollars (\$10,000).

(f) Prior to the issuance of a citation imposing a civil penalty pursuant to subdivision (d) or (e), the decision shall be approved by the program administrator of the Community Care Licensing Division.

(g) Notwithstanding Section 1568.07, any residential care facility that is cited for repeating the same violation of this chapter within 12 months of the first violation is subject to an immediate

1 civil penalty of one hundred fifty dollars (\$150) and fifty dollars  
2 (\$50) for each day the violation continues until the deficiency is  
3 corrected.

4 (h) Any residential care facility that is assessed a civil penalty  
5 pursuant to subdivision (g) that repeats the same violation of this  
6 chapter within 12 months of the violation subject to subdivision  
7 (g) shall be assessed an immediate civil penalty of one thousand  
8 dollars (\$1,000) and one hundred dollars (\$100) for each day the  
9 violation continues until the deficiency is corrected, provided that  
10 the violation is a serious violation.

11 (i) (1) The department shall adopt regulations setting forth the  
12 appeal procedures for deficiencies.

13 (2) A notification of a deficiency written by a representative of  
14 the department shall include a factual description of the nature of  
15 the deficiency fully stating the manner in which the licensee failed  
16 to comply with the specified statute or regulation, and, if  
17 applicable, the particular place or area of the facility in which the  
18 deficiency occurred.

19 (j) (1) A licensee shall have the right to submit to the  
20 department a written request for a formal review of a civil penalty  
21 assessed pursuant to subdivisions (d) and (e) within 15 business  
22 days of receipt of the notice of a civil penalty assessment and shall  
23 provide all available supporting documentation at that time. The  
24 review shall be conducted by the deputy director of the Community  
25 Care Licensing Division. The licensee may submit additional  
26 supporting documentation that was unavailable at the time of  
27 submitting the request for review within the first 30 business days  
28 after submitting the request for review. If the department requires  
29 additional information from the licensee, that information shall be  
30 requested within the first 30 business days after receiving the  
31 request for review. The licensee shall provide this additional  
32 information within 30 business days of receiving the request from  
33 the department. If the deputy director determines that the civil  
34 penalty was not assessed, or the finding of deficiency that resulted  
35 in the assessment of the civil penalty was not made, in accordance  
36 with applicable statutes or regulations of the department, he or she  
37 may amend or dismiss the civil penalty or finding of deficiency.  
38 The licensee shall be notified in writing of the deputy director's  
39 decision within 60 business days of the date when all necessary  
40 information has been provided to the department by the licensee.

(2) Upon exhausting the review described in paragraph (1), a licensee may further appeal that decision to an administrative law judge. Proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted by those provisions. In all proceedings conducted in accordance with this section, the standard of proof shall be by a preponderance of the evidence.

(3) If, in addition to an assessment of civil penalties, the department elects to file an administrative action to suspend or revoke the facility license that includes violations relating to the assessment of the civil penalties, the department review of the pending appeal shall cease and the assessment of the civil penalties shall be heard as part of the administrative action process.

(k) (1) A licensee shall have the right to submit to the department a written request for a formal review of any other civil penalty or deficiency not described in subdivision (j) within 15 business days of receipt of the notice of a civil penalty assessment or a finding of a deficiency, and shall provide all available supporting documentation at that time. The review shall be conducted by a regional manager of the Community Care Licensing Division. The licensee may submit additional supporting documentation that was unavailable at the time of submitting the request for review within the first 30 business days after submitting the request for review. If the department requires additional information from the licensee, that information shall be requested within the first 30 business days after receiving the request for review. The licensee shall provide this additional information within 30 business days of receiving the request from the department. If the regional manager determines that the civil penalty was not assessed, or the finding of the deficiency was not made, in accordance with applicable statutes or regulations of the department, he or she may amend or dismiss the civil penalty or finding of deficiency. The licensee shall be notified in writing of the regional manager's decision within 60 business days of the date when all necessary information has been provided to the department by the licensee.

(2) Upon exhausting the review described in paragraph (1), the licensee may further appeal that decision to the program administrator of the Community Care Licensing Division within

1 15 business days of receipt of notice of the regional manager's  
2 decision. The licensee may submit additional supporting  
3 documentation that was unavailable at the time of appeal to the  
4 program administrator within the first 30 business days after  
5 requesting that appeal. If the department requires additional  
6 information from the licensee, that information shall be requested  
7 within the first 30 business days after receiving the request for the  
8 appeal. The licensee shall provide this additional information  
9 within 30 business days of receiving the request from the  
10 department. If the program administrator determines that the civil  
11 penalty was not assessed, or the finding of the deficiency was not  
12 made, in accordance with applicable statutes or regulations of the  
13 department, he or she may amend or dismiss the civil penalty or  
14 finding of deficiency. The licensee shall be notified in writing of  
15 the program administrator's decision within 60 business days of  
16 the date when all necessary information has been provided to the  
17 department by the licensee. The program administrator's decision  
18 is considered final and concludes the licensee's administrative  
19 appeal rights regarding the appeal conducted pursuant to this  
20 paragraph.

21 (l) The department shall adopt regulations implementing this  
22 section.

23 (m) The department shall, by January 1, 2016, amend its  
24 regulations to reflect the changes to this section made by Section  
25 4 of Chapter 813 of the Statutes of 2014.

26 (n) Notwithstanding the Administrative Procedure Act (Chapter  
27 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
28 Title 2 of the Government Code), the department may implement  
29 and administer the changes made by the act that added this  
30 subdivision through all-county letters or similar written instructions  
31 until regulations are adopted pursuant to the Administrative  
32 Procedure Act.

33 (o) This section shall become inoperative on July 1, 2017, and,  
34 as of January 1, 2018, is repealed, unless a later enacted statute,  
35 that becomes operative on or before January 1, 2018, deletes or  
36 extends the dates on which it becomes inoperative and is repealed.

37 SEC. 5. Section 1568.0822 is added to the Health and Safety  
38 Code, to read:

1 1568.0822. (a) In addition to the suspension, temporary  
2 suspension, or revocation of a license issued under this chapter,  
3 the department shall levy civil penalties as follows:

4 (b) (1) The amount of the civil penalty shall be one hundred  
5 dollars (\$100) per day for each violation of this chapter if a facility  
6 fails to correct a deficiency after being provided a specified length  
7 of time to correct that deficiency.

8 (A) If a licensee or a licensee's representative submits evidence  
9 to the department that the licensee has corrected a deficiency, and  
10 the department, after reviewing that evidence, has determined that  
11 the deficiency has been corrected, the civil penalty shall cease as  
12 of the day the department received that evidence.

13 (B) If the department deems it necessary, the department shall  
14 inspect the facility within five working days after the department  
15 receives evidence pursuant to subparagraph (A) to confirm that  
16 the deficiency has been corrected.

17 (C) If the department determines that the deficiency has not  
18 been corrected, the civil penalty shall continue to accrue from the  
19 date of the original citation.

20 (D) If the department is able to verify that the deficiency was  
21 corrected prior to the date on which the department received the  
22 evidence pursuant to subparagraph (A), the civil penalty shall cease  
23 as of that earlier date.

24 (2) (A) If the department issues a notification of deficiency to  
25 a facility for a repeat violation of a violation specified in paragraph  
26 (1), the department shall assess an immediate civil penalty of two  
27 hundred fifty dollars (\$250) per repeat violation and one hundred  
28 dollars (\$100) for each day the repeat violation continues after  
29 citation. The notification of deficiency shall state the manner in  
30 which the deficiency constitutes a repeat violation and shall be  
31 submitted to a supervisor for review and approval.

32 (B) For purposes of this section, "repeat violation" means a  
33 violation within 12 months of a prior violation of a statutory or  
34 regulatory provision designated by the same combination of letters  
35 or numerals, or both letters and numerals.

36 (C) *Notwithstanding subparagraphs (A) and (B), the department,*  
37 *in its sole discretion, may reduce the civil penalty for the cited*  
38 *repeat violation to the level of the underlying violation, as*  
39 *applicable, if it determines that the cited repeat violation is not*  
40 *substantially similar to the original violation.*

1 (3) If the nature or seriousness of the violation or the frequency  
2 of the violation warrants a higher penalty or an immediate civil  
3 penalty assessment, or both, as provided in this chapter, a  
4 correction of the deficiency shall not impact the imposition of a  
5 civil penalty.

6 (c) The department shall assess an immediate civil penalty of  
7 five hundred dollars (\$500) per violation and one hundred dollars  
8 (\$100) for each day the violation continues after citation for any  
9 of the following serious violations:

10 (1) Any violation that the department determines resulted in the  
11 injury or illness of a resident.

12 (2) (A) Fire clearance violations, including, but not limited to,  
13 overcapacity, ambulatory status, inoperable smoke alarms, and  
14 inoperable fire alarm systems. The civil penalty shall not be  
15 assessed if the licensee has done either of the following:

16 (i) Requested the appropriate fire clearance based on ambulatory,  
17 nonambulatory, or bedridden status, and the decision is pending.

18 (ii) Initiated eviction proceedings.

19 (B) A licensee denied a clearance for bedridden residents may  
20 appeal to the fire authority, and, if that appeal is denied, may  
21 subsequently appeal to the Office of the State Fire Marshal, and  
22 shall not be assessed an immediate civil penalty until the final  
23 appeal is decided, or after 60 days has passed from the date of the  
24 citation, whichever is earlier.

25 (3) Absence of supervision, as required by statute and regulation.

26 (4) Accessible bodies of water, when prohibited in this chapter  
27 or regulations adopted pursuant to this chapter.

28 (5) Accessible firearms, ammunition, or both.

29 (6) Refused entry to a facility or any part of a facility in violation  
30 of Section 1568.07 or 1568.071.

31 (7) The presence of a person subject to a department Order of  
32 Exclusion on the premises.

33 (d) If the department issues a notification of deficiency to a  
34 facility for a repeat violation of a violation specified in subdivision  
35 (c), the department shall assess an immediate civil penalty of one  
36 thousand dollars (\$1,000) per repeat violation and one hundred  
37 dollars (\$100) for each day the repeat violation continues after  
38 citation. The notification of deficiency shall state the manner in  
39 which the deficiency constitutes a repeat violation and shall be  
40 submitted to a supervisor for review and approval.

1 (e) For a violation that the department determines resulted in  
2 the death of a resident, the civil penalty shall be fifteen thousand  
3 dollars (\$15,000).

4 (f) For a violation that the department determines constitutes  
5 physical abuse, as defined in Section 15610.63 of the Welfare and  
6 Institutions Code, or resulted in serious bodily injury, as defined  
7 in Section 243 of the Penal Code, to a resident, the civil penalty  
8 shall be ten thousand dollars (\$10,000).

9 (g) (1) Before the assessment of a civil penalty pursuant to  
10 subdivision (e) or (f), the decision shall be approved by the program  
11 administrator of the Community Care Licensing Division.

12 (2) (A) The department shall reduce the amount of a civil  
13 penalty due pursuant to subdivision (e) or (f) by the amount of the  
14 civil penalty already assessed for the underlying violation.

15 (B) If the amount of the civil penalty that the department has  
16 already assessed for the underlying violation exceeds the amount  
17 of the penalty pursuant to subdivision (e) or (f), the larger amount  
18 shall prevail and be due and payable as already assessed by the  
19 department.

20 (h) (1) A notification of a deficiency written by a representative  
21 of the department shall include a factual description of the nature  
22 of the deficiency fully stating the manner in which the licensee  
23 failed to comply with the specified statute or regulation, and, if  
24 applicable, the particular place or area in which the deficiency  
25 occurred. The department shall make a good faith effort to work  
26 with the licensee to determine the cause of the deficiency and ways  
27 to prevent any repeat violations.

28 (2) The department shall adopt regulations setting forth appeal  
29 procedures for deficiencies.

30 (i) (1) A licensee shall have the right to submit to the  
31 department a written request for a formal review of a civil penalty  
32 assessed pursuant to subdivision (e) or (f) within 15 business days  
33 of receipt of the notice of a civil penalty assessment and shall  
34 provide all available supporting documentation at that time. The  
35 review shall be conducted by the deputy director of the Community  
36 Care Licensing Division. The licensee may submit additional  
37 supporting documentation that was unavailable at the time of  
38 submitting the request for review within the first 30 business days  
39 after submitting the request for review. If the department requires  
40 additional information from the licensee, that information shall be



1 requested within the first 30 business days after receiving the  
2 request for review. The licensee shall provide this additional  
3 information within 30 business days of receiving the request from  
4 the department. If the deputy director determines that the civil  
5 penalty was not assessed, or the finding of deficiency that resulted  
6 in the assessment of the civil penalty was not made, in accordance  
7 with applicable statutes or regulations of the department, he or she  
8 may amend or dismiss the civil penalty or finding of deficiency.  
9 The licensee shall be notified in writing of the deputy director's  
10 decision within 60 business days of the date when all necessary  
11 information has been provided to the department by the licensee.

12 (2) Upon exhausting the review described in paragraph (1), a  
13 licensee may further appeal that decision to an administrative law  
14 judge. Proceedings shall be conducted in accordance with Chapter  
15 5 (commencing with Section 11500) of Part 1 of Division 3 of  
16 Title 2 of the Government Code, and the department shall have all  
17 the powers granted by those provisions. In all proceedings  
18 conducted in accordance with this section, the standard of proof  
19 shall be by a preponderance of the evidence.

20 (3) If, in addition to an assessment of civil penalties, the  
21 department elects to file an administrative action to suspend or  
22 revoke the facility license that includes violations relating to the  
23 assessment of the civil penalties, the department review of the  
24 pending appeal shall cease and the assessment of the civil penalties  
25 shall be heard as part of the administrative action process.

26 (4) Civil penalties shall be due and payable when administrative  
27 appeals have been exhausted. Unless payment arrangements have  
28 been made that are acceptable to the department, a civil penalty  
29 not paid within 30 days shall be subject to late fees, as specified  
30 by the department in regulation.

31 (j) (1) A licensee shall have the right to submit to the  
32 department a written request for a formal review of any other civil  
33 penalty or deficiency not described in subdivision (i) within 15  
34 business days of receipt of the notice of a civil penalty assessment  
35 or a finding of a deficiency, and shall provide all available  
36 supporting documentation at that time. The review shall be  
37 conducted by a regional manager of the Community Care Licensing  
38 Division. The licensee may submit additional supporting  
39 documentation that was unavailable at the time of submitting the  
40 request for review within the first 30 business days after submitting

1 the request for review. If the department requires additional  
2 information from the licensee, that information shall be requested  
3 within the first 30 business days after receiving the request for  
4 review. The licensee shall provide this additional information  
5 within 30 business days of receiving the request from the  
6 department. If the regional manager determines that the civil  
7 penalty was not assessed, or the finding of the deficiency was not  
8 made, in accordance with applicable statutes or regulations of the  
9 department, he or she may amend or dismiss the civil penalty or  
10 finding of deficiency. The licensee shall be notified in writing of  
11 the regional manager's decision within 60 business days of the  
12 date when all necessary information has been provided to the  
13 department by the licensee.

14 (2) Upon exhausting the review described in paragraph (1), the  
15 licensee may further appeal that decision to the program  
16 administrator of the Community Care Licensing Division within  
17 15 business days of receipt of notice of the regional manager's  
18 decision. The licensee may submit additional supporting  
19 documentation that was unavailable at the time of appeal to the  
20 program administrator within the first 30 business days after  
21 requesting that appeal. If the department requires additional  
22 information from the licensee, that information shall be requested  
23 within the first 30 business days after receiving the request for the  
24 appeal. The licensee shall provide this additional information  
25 within 30 business days of receiving the request from the  
26 department. If the program administrator determines that the civil  
27 penalty was not assessed, or the finding of the deficiency was not  
28 made, in accordance with applicable statutes or regulations of the  
29 department, he or she may amend or dismiss the civil penalty or  
30 finding of deficiency. The licensee shall be notified in writing of  
31 the program administrator's decision within 60 business days of  
32 the date when all necessary information has been provided to the  
33 department by the licensee. The program administrator's decision  
34 is considered final and concludes the licensee's administrative  
35 appeal rights regarding the appeal conducted pursuant to this  
36 paragraph.

37 (3) Civil penalties shall be due and payable when administrative  
38 appeals have been exhausted. Unless payment arrangements have  
39 been made that are acceptable to the department, a civil penalty

1 not paid within 30 days shall be subject to late fees, as specified  
2 by the department in regulation.

3 (k) The department shall adopt regulations implementing this  
4 section.

5 (l) The department shall, by January 1, 2016, amend its  
6 regulations to reflect the changes to this section made by Section  
7 4 of Chapter 813 of the Statutes of 2014.

8 (m) Notwithstanding the Administrative Procedure Act (Chapter  
9 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
10 Title 2 of the Government Code), the department may implement  
11 and administer the changes made by the act that added this  
12 subdivision through all-county letters or similar written instructions  
13 until regulations are adopted pursuant to the Administrative  
14 Procedure Act.

15 (n) This section shall become operative on July 1, 2017.

16 SEC. 6. Section 1569.335 of the Health and Safety Code is  
17 amended to read:

18 1569.335. (a) The department shall provide the Office of the  
19 State Long-Term Care Ombudsman, as defined in subdivision (c)  
20 of Section 9701 of the Welfare and Institutions Code, with a  
21 precautionary notification if the department begins to prepare to  
22 issue a temporary suspension or revocation of any license, so that  
23 the office may properly prepare to provide advocacy services if  
24 and when necessary.

25 (b) The department shall notify affected public placement  
26 agencies and the Office of the State Long-Term Care Ombudsman  
27 whenever the department substantiates that a violation has occurred  
28 that poses a serious threat to the health and safety of any resident  
29 when the violation results in the assessment of any penalty or  
30 causes an accusation to be filed for the revocation of a license.

31 (c) (1) If the violation is appealed by the facility within 15  
32 business days, the department shall only notify placement agencies  
33 of the violation when the appeal has been exhausted.

34 (2) If the appeal process has not been completed within 60 days,  
35 the placement agency shall be notified with a notation that indicates  
36 that the case is still under appeal.

37 (3) The notice to each placement agency shall be updated  
38 monthly for the following 24-month period and shall include the  
39 name and location of the facility, the amount of the fine, the nature

1 of the violation, the corrective action taken, the status of the  
2 revocation, and the resolution of the complaint.

3 SEC. 7. Section 1569.49 of the Health and Safety Code is  
4 amended to read:

5 1569.49. (a) In addition to the suspension, temporary  
6 suspension, or revocation of a license issued under this chapter,  
7 the department may levy a civil penalty.

8 (b) The amount of the civil penalty shall not be less than  
9 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day  
10 for each violation of this chapter except where the nature or  
11 seriousness of the violation or the frequency of the violation  
12 warrants a higher penalty or an immediate civil penalty assessment,  
13 or both, as determined by the department. Except as otherwise  
14 provided in this chapter, a civil penalty assessment shall not exceed  
15 one hundred fifty dollars (\$150) per day per violation.

16 (c) Notwithstanding Section 1569.33, the department shall assess  
17 an immediate civil penalty of one hundred fifty dollars (\$150) per  
18 day per violation for any of the following serious violations:

19 (1) (A) Fire clearance violations, including, but not limited to,  
20 overcapacity, ambulatory status, inoperable smoke alarms, and  
21 inoperable fire alarm systems. The civil penalty shall not be  
22 assessed if the licensee has done either of the following:

23 (i) Requested the appropriate fire clearance based on ambulatory,  
24 nonambulatory, or bedridden status, and the decision is pending.

25 (ii) Initiated eviction proceedings.

26 (B) A licensee denied a clearance for bedridden residents may  
27 appeal to the fire authority, and, if that appeal is denied, may  
28 subsequently appeal to the Office of the State Fire Marshal, and  
29 shall not be assessed an immediate civil penalty until the final  
30 appeal is decided, or after 60 days has passed from the date of the  
31 citation, whichever is earlier.

32 (2) Absence of supervision as required by statute or regulation.

33 (3) Accessible bodies of water, when prohibited in this chapter  
34 or regulations adopted pursuant to this chapter.

35 (4) Accessible firearms, ammunition, or both.

36 (5) Refused entry to a facility or any part of a facility in violation  
37 of Section 1569.32, 1569.33, or 1569.35.

38 (6) The presence of an excluded person on the premises.

1 (d) For a violation that the department determines resulted in  
2 the death of a resident, the civil penalty shall be fifteen thousand  
3 dollars (\$15,000).

4 (e) For a violation that the department determines constitutes  
5 physical abuse, as defined in Section 15610.63 of the Welfare and  
6 Institutions Code, or resulted in serious bodily injury, as defined  
7 in Section 15610.67 of the Welfare and Institutions Code, to a  
8 resident, the civil penalty shall be ten thousand dollars (\$10,000).

9 (f) Prior to the issuance of a citation imposing a civil penalty  
10 pursuant to subdivision (d) or (e), the decision shall be approved  
11 by the program administrator of the Community Care Licensing  
12 Division.

13 (g) Notwithstanding Section 1569.33, any residential care  
14 facility for the elderly that is cited for repeating the same violation  
15 of this chapter within 12 months of the first violation is subject to  
16 an immediate civil penalty of one hundred fifty dollars (\$150) and  
17 fifty dollars (\$50) for each day the violation continues until the  
18 deficiency is corrected.

19 (h) Any residential care facility for the elderly that is assessed  
20 a civil penalty pursuant to subdivision (g) that repeats the same  
21 violation of this chapter within 12 months of the violation subject  
22 to subdivision (g) shall be assessed an immediate civil penalty of  
23 one thousand dollars (\$1,000) and one hundred dollars (\$100) for  
24 each day the violation continues until the deficiency is corrected.

25 (i) (1) The department shall adopt regulations setting forth the  
26 appeal procedures for deficiencies.

27 (2) A notification of a deficiency written by a representative of  
28 the department shall include a factual description of the nature of  
29 the deficiency fully stating the manner in which the licensee failed  
30 to comply with the specified statute or regulation, and, if  
31 applicable, the particular place or area of the facility in which the  
32 deficiency occurred.

33 (j) (1) A licensee shall have the right to submit to the  
34 department a written request for a formal review of a civil penalty  
35 assessed pursuant to subdivisions (d) and (e) within 15 business  
36 days of receipt of the notice of a civil penalty assessment and shall  
37 provide all available supporting documentation at that time. The  
38 review shall be conducted by the deputy director of the Community  
39 Care Licensing Division. The licensee may submit additional  
40 supporting documentation that was unavailable at the time of

1 submitting the request for review within the first 30 business days  
2 after submitting the request for review. If the department requires  
3 additional information from the licensee, that information shall be  
4 requested within the first 30 business days after receiving the  
5 request for review. The licensee shall provide this additional  
6 information within 30 business days of receiving the request from  
7 the department. If the deputy director determines that the civil  
8 penalty was not assessed, or the finding of the deficiency that  
9 resulted in the assessment of the civil penalty was not made, in  
10 accordance with applicable statutes or regulations of the  
11 department, he or she may amend or dismiss the civil penalty or  
12 finding of deficiency. The licensee shall be notified in writing of  
13 the deputy director's decision within 60 business days of the date  
14 when all necessary information has been provided to the  
15 department by the licensee.

16 (2) Upon exhausting the review described in paragraph (1), a  
17 licensee may further appeal that decision to an administrative law  
18 judge. Proceedings shall be conducted in accordance with Chapter  
19 5 (commencing with Section 11500) of Part 1 of Division 3 of  
20 Title 2 of the Government Code, and the department shall have all  
21 the powers granted by those provisions. In all proceedings  
22 conducted in accordance with this section, the standard of proof  
23 shall be by a preponderance of the evidence.

24 (3) If, in addition to an assessment of civil penalties, the  
25 department elects to file an administrative action to suspend or  
26 revoke the facility license that includes violations relating to the  
27 assessment of the civil penalties, the department review of the  
28 pending appeal shall cease and the assessment of the civil penalties  
29 shall be heard as part of the administrative action process.

30 (k) (1) A licensee shall have the right to submit to the  
31 department a written request for a formal review of any other civil  
32 penalty or deficiency not described in subdivision (j) within 15  
33 business days of receipt of the notice of a civil penalty assessment  
34 or a finding of a deficiency, and shall provide all available  
35 supporting documentation at that time. The review shall be  
36 conducted by a regional manager of the Community Care Licensing  
37 Division. The licensee may submit additional supporting  
38 documentation that was unavailable at the time of submitting the  
39 request for review within the first 30 business days after submitting  
40 the request for review. If the department requires additional

1 information from the licensee, that information shall be requested  
2 within the first 30 business days after receiving the request for  
3 review. The licensee shall provide this additional information  
4 within 30 business days of receiving the request from the  
5 department. If the regional manager determines that the civil  
6 penalty was not assessed, or the finding of the deficiency was not  
7 made, in accordance with applicable statutes or regulations of the  
8 department, he or she may amend or dismiss the civil penalty or  
9 finding of deficiency. The licensee shall be notified in writing of  
10 the regional manager's decision within 60 business days of the  
11 date when all necessary information has been provided to the  
12 department by the licensee.

13 (2) Upon exhausting the review described in paragraph (1), the  
14 licensee may further appeal that decision to the program  
15 administrator of the Community Care Licensing Division within  
16 15 business days of receipt of notice of the regional manager's  
17 decision. The licensee may submit additional supporting  
18 documentation that was unavailable at the time of appeal to the  
19 program administrator within the first 30 business days after  
20 requesting that appeal. If the department requires additional  
21 information from the licensee, that information shall be requested  
22 within the first 30 business days after receiving the request for the  
23 appeal. The licensee shall provide this additional information  
24 within 30 business days of receiving the request from the  
25 department. If the program administrator determines that the civil  
26 penalty was not assessed, or the finding of the deficiency was not  
27 made, in accordance with applicable statutes or regulations of the  
28 department, he or she may amend or dismiss the civil penalty or  
29 finding of deficiency. The licensee shall be notified in writing of  
30 the program administrator's decision within 60 business days of  
31 the date when all necessary information has been provided to the  
32 department by the licensee. The program administrator's decision  
33 is considered final and concludes the licensee's administrative  
34 appeal rights regarding the appeal conducted pursuant to this  
35 paragraph.

36 (l) The department shall adopt regulations implementing this  
37 section.

38 (m) The department shall, by January 1, 2016, amend its  
39 regulations to reflect the changes to this section made by Section  
40 6 of Chapter 813 of the Statutes of 2014.

(n) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made by the act that added this subdivision through all-county letters or similar written instructions until regulations are adopted pursuant to the Administrative Procedure Act.

(o) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 1569.49 is added to the Health and Safety Code, to read:

1569.49. (a) In addition to the suspension, temporary suspension, or revocation of a license issued under this chapter, the department shall levy civil penalties as follows:

(b) (1) The amount of the civil penalty shall be one hundred dollars (\$100) per day for each violation of this chapter if the facility fails to correct a deficiency after being provided a specified length of time to correct that deficiency.

(A) If a licensee or a licensee's representative submits evidence to the department that the licensee has corrected a deficiency, and the department, after reviewing that evidence, has determined that the deficiency has been corrected, the civil penalty shall cease as of the day the department received that evidence.

(B) If the department deems it necessary, the department shall inspect the facility within five working days after the department receives evidence pursuant to subparagraph (A) to confirm that the deficiency has been corrected.

(C) If the department determines that the deficiency has not been corrected, the civil penalty shall continue to accrue from the date of the original citation.

(D) If the department is able to verify that the deficiency was corrected prior to the date on which the department received the evidence pursuant to subparagraph (A), the civil penalty shall cease as of that earlier date.

(2) (A) If the department issues a notification of deficiency to a facility for a repeat violation of a violation specified in paragraph (1), the department shall assess an immediate civil penalty of two hundred fifty dollars (\$250) per repeat violation and one hundred



1 dollars (\$100) for each day the repeat violation continues after  
2 citation. The notification of deficiency shall state the manner in  
3 which the deficiency constitutes a repeat violation and shall be  
4 submitted to a supervisor for review and approval.

5 (B) For purposes of this section, “repeat violation” means a  
6 violation within 12 months of a prior violation of a statutory or  
7 regulatory provision designated by the same combination of letters  
8 or numerals, or both letters and numerals.

9 (C) *Notwithstanding subparagraphs (A) and (B), the department,*  
10 *in its sole discretion, may reduce the civil penalty for the cited*  
11 *repeat violation to the level of the underlying violation, as*  
12 *applicable, if it determines that the cited repeat violation is not*  
13 *substantially similar to the original violation.*

14 (3) If the nature or seriousness of the violation or the frequency  
15 of the violation warrants a higher penalty or an immediate civil  
16 penalty assessment, or both, as provided in this chapter, a  
17 correction of the deficiency shall not impact the imposition of a  
18 civil penalty.

19 (c) The department shall assess an immediate civil penalty of  
20 five hundred dollars (\$500) per violation and one hundred dollars  
21 (\$100) for each day the violation continues after citation for any  
22 of the following serious violations:

23 (1) Any violation that the department determines resulted in the  
24 injury or illness of a resident.

25 (2) (A) Fire clearance violations, including, but not limited to,  
26 overcapacity, ambulatory status, inoperable smoke alarms, and  
27 inoperable fire alarm systems. The civil penalty shall not be  
28 assessed if the licensee has done either of the following:

29 (i) Requested the appropriate fire clearance based on ambulatory,  
30 nonambulatory, or bedridden status, and the decision is pending.

31 (ii) Initiated eviction proceedings.

32 (B) A licensee denied a clearance for bedridden residents may  
33 appeal to the fire authority, and, if that appeal is denied, may  
34 subsequently appeal to the Office of the State Fire Marshal, and  
35 shall not be assessed an immediate civil penalty until the final  
36 appeal is decided, or after 60 days has passed from the date of the  
37 citation, whichever is earlier.

38 (3) Absence of supervision as required by statute or regulation.

39 (4) Accessible bodies of water, when prohibited in this chapter  
40 or regulations adopted pursuant to this chapter.

1 (5) Accessible firearms, ammunition, or both.

2 (6) Refused entry to a facility or any part of a facility in violation  
3 of Section 1569.32, 1569.33, or 1569.35.

4 (7) The presence of a person subject to a department Order of  
5 Exclusion on the premises.

6 (d) If the department issues a notification of deficiency to a  
7 facility for a repeat violation of a violation specified in subdivision  
8 (c), the department shall assess an immediate civil penalty of one  
9 thousand dollars (\$1,000) per repeat violation and one hundred  
10 dollars (\$100) for each day the repeat violation continues after  
11 citation. The notification of deficiency shall state the manner in  
12 which the deficiency constitutes a repeat violation and shall be  
13 submitted to a supervisor for review and approval.

14 (e) For a violation that the department determines resulted in  
15 the death of a resident, the civil penalty shall be fifteen thousand  
16 dollars (\$15,000).

17 (f) For a violation that the department determines constitutes  
18 physical abuse, as defined in Section 15610.63 of the Welfare and  
19 Institutions Code, or resulted in serious bodily injury, as defined  
20 in Section 15610.67 of the Welfare and Institutions Code, to a  
21 resident, the civil penalty shall be ten thousand dollars (\$10,000).

22 (g) (1) Before the assessment of a civil penalty pursuant to  
23 subdivision (e) or (f), the decision shall be approved by the program  
24 administrator of the Community Care Licensing Division.

25 (2) (A) The department shall reduce the amount of a civil  
26 penalty due pursuant to subdivision (e) or (f) by the amount of the  
27 civil penalty already assessed for the underlying violation.

28 (B) If the amount of the civil penalty that the department has  
29 already assessed for the underlying violation exceeds the amount  
30 of the penalty pursuant to subdivision (e) or (f), the larger amount  
31 shall prevail and be due and payable as already assessed by the  
32 department.

33 (h) (1) A notification of a deficiency written by a representative  
34 of the department shall include a factual description of the nature  
35 of the deficiency fully stating the manner in which the licensee  
36 failed to comply with the specified statute or regulation, and, if  
37 applicable, the particular place or area of the facility in which the  
38 deficiency occurred. The department shall make a good faith effort  
39 to work with the licensee to determine the cause of the deficiency  
40 and ways to prevent any repeat violations.

1 (2) The department shall adopt regulations setting forth the  
2 appeal procedures for deficiencies.

3 (i) (1) A licensee shall have the right to submit to the  
4 department a written request for a formal review of a civil penalty  
5 assessed pursuant to subdivisions (e) and (f) within 15 business  
6 days of receipt of the notice of a civil penalty assessment and shall  
7 provide all available supporting documentation at that time. The  
8 review shall be conducted by the deputy director of the Community  
9 Care Licensing Division. The licensee may submit additional  
10 supporting documentation that was unavailable at the time of  
11 submitting the request for review within the first 30 business days  
12 after submitting the request for review. If the department requires  
13 additional information from the licensee, that information shall be  
14 requested within the first 30 business days after receiving the  
15 request for review. The licensee shall provide this additional  
16 information within 30 business days of receiving the request from  
17 the department. If the deputy director determines that the civil  
18 penalty was not assessed, or the finding of the deficiency that  
19 resulted in the assessment of the civil penalty was not made, in  
20 accordance with applicable statutes or regulations of the  
21 department, he or she may amend or dismiss the civil penalty or  
22 finding of deficiency. The licensee shall be notified in writing of  
23 the deputy director's decision within 60 business days of the date  
24 when all necessary information has been provided to the  
25 department by the licensee.

26 (2) Upon exhausting the review described in paragraph (1), a  
27 licensee may further appeal that decision to an administrative law  
28 judge. Proceedings shall be conducted in accordance with Chapter  
29 5 (commencing with Section 11500) of Part 1 of Division 3 of  
30 Title 2 of the Government Code, and the department shall have all  
31 the powers granted by those provisions. In all proceedings  
32 conducted in accordance with this section, the standard of proof  
33 shall be by a preponderance of the evidence.

34 (3) If, in addition to an assessment of civil penalties, the  
35 department elects to file an administrative action to suspend or  
36 revoke the facility license that includes violations relating to the  
37 assessment of the civil penalties, the department review of the  
38 pending appeal shall cease and the assessment of the civil penalties  
39 shall be heard as part of the administrative action process.

(4) Civil penalties shall be due and payable when administrative appeals have been exhausted. Unless payment arrangements have been made that are acceptable to the department, a civil penalty not paid within 30 days shall be subject to late fees, as specified by the department in regulation.

(j) (1) A licensee shall have the right to submit to the department a written request for a formal review of any other civil penalty or deficiency not described in subdivision (i) within 15 business days of receipt of the notice of a civil penalty assessment or a finding of a deficiency, and shall provide all available supporting documentation at that time. The review shall be conducted by a regional manager of the Community Care Licensing Division. The licensee may submit additional supporting documentation that was unavailable at the time of submitting the request for review within the first 30 business days after submitting the request for review. If the department requires additional information from the licensee, that information shall be requested within the first 30 business days after receiving the request for review. The licensee shall provide this additional information within 30 business days of receiving the request from the department. If the regional manager determines that the civil penalty was not assessed, or the finding of the deficiency was not made, in accordance with applicable statutes or regulations of the department, he or she may amend or dismiss the civil penalty or finding of deficiency. The licensee shall be notified in writing of the regional manager's decision within 60 business days of the date when all necessary information has been provided to the department by the licensee.

(2) Upon exhausting the review described in paragraph (1), the licensee may further appeal that decision to the program administrator of the Community Care Licensing Division within 15 business days of receipt of notice of the regional manager's decision. The licensee may submit additional supporting documentation that was unavailable at the time of appeal to the program administrator within the first 30 business days after requesting that appeal. If the department requires additional information from the licensee, that information shall be requested within the first 30 business days after receiving the request for the appeal. The licensee shall provide this additional information within 30 business days of receiving the request from the

1 department. If the program administrator determines that the civil  
2 penalty was not assessed, or the finding of the deficiency was not  
3 made, in accordance with applicable statutes or regulations of the  
4 department, he or she may amend or dismiss the civil penalty or  
5 finding of deficiency. The licensee shall be notified in writing of  
6 the program administrator's decision within 60 business days of  
7 the date when all necessary information has been provided to the  
8 department by the licensee. The program administrator's decision  
9 is considered final and concludes the licensee's administrative  
10 appeal rights regarding the appeal conducted pursuant to this  
11 paragraph.

12 (3) Civil penalties shall be due and payable when administrative  
13 appeals have been exhausted. Unless payment arrangements have  
14 been made that are acceptable to the department, a civil penalty  
15 not paid within 30 days shall be subject to late fees, as specified  
16 by the department in regulation.

17 (k) The department shall adopt regulations implementing this  
18 section.

19 (l) The department shall, by January 1, 2016, amend its  
20 regulations to reflect the changes to this section made by Section  
21 6 of Chapter 813 of the Statutes of 2014.

22 (m) Notwithstanding the Administrative Procedure Act (Chapter  
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
24 Title 2 of the Government Code), the department may implement  
25 and administer the changes made by the act that added this  
26 subdivision through all-county letters or similar written instructions  
27 until regulations are adopted pursuant to the Administrative  
28 Procedure Act.

29 (n) This section shall become operative on July 1, 2017.

30 SEC. 9. Section 1596.819 of the Health and Safety Code is  
31 amended to read:

32 1596.819. (a) Except as otherwise prohibited by law, the  
33 department shall post licensing information on its Internet Web  
34 site as follows:

35 (1) For each child day care facility as defined in Section  
36 1596.750, except family day care homes, the information shall  
37 include, but is not limited to, the name and address of the facility,  
38 the licensed capacity of the facility, the status of the license, and  
39 the number of site inspections, including the number of citations,

1 substantiated and unsubstantiated complaint inspections, and  
2 noncomplaint inspections during the preceding five-year period.

3 (2) For each family day care home, the information shall include,  
4 but is not limited to, the name of the home, the status of the license,  
5 and the number of site inspections, including the number of  
6 citations, substantiated and unsubstantiated complaint inspections,  
7 and noncomplaint inspections during the preceding five-year  
8 period.

9 (b) The department shall update the information posted under  
10 subdivision (a) on at least a monthly basis.

11 SEC. 10. Section 1596.859 of the Health and Safety Code is  
12 amended to read:

13 1596.859. (a) (1) Each licensed child day care facility shall  
14 make accessible to the public a copy of any licensing report or  
15 other public licensing document pertaining to the facility that  
16 documents a facility inspection, a substantiated complaint  
17 investigation, a conference with a local licensing agency  
18 management representative and the licensee in which issues of  
19 noncompliance are discussed, or a copy of an accusation indicating  
20 the department's intent to revoke the facility's license. An  
21 individual licensing report and other licensing documents shall  
22 not be required to be maintained beyond three years from the date  
23 of issuance, and shall not include any information that would not  
24 have been accessible to the public through the State Department  
25 of Social Services Community Care Licensing Division.

26 (2) (A) Every child care resource and referral program  
27 established pursuant to Article 2 (commencing with Section 8210)  
28 of Chapter 2 of Part 6 of the Education Code, and every alternative  
29 payment program established pursuant to Article 3 (commencing  
30 with Section 8220) of Chapter 2 of Part 6 of the Education Code  
31 shall advise every person who requests a child care referral of his  
32 or her right to the licensing information of a licensed child day  
33 care facility required to be maintained at the facility pursuant to  
34 this section and to access any public files pertaining to the facility  
35 that are maintained by the State Department of Social Services  
36 Community Care Licensing Division.

37 (B) A written or oral advisement in substantially the following  
38 form, with the telephone number of the local licensing office  
39 included, will comply with the requirements of subparagraph (A):

1 “As a parent, you have the right to get information about any  
2 substantiated or unsubstantiated complaints about a child care  
3 provider that you select for your child. That information is public  
4 and you can get it by calling the local licensing office. This  
5 telephone number is \_\_\_\_.”

6 (b) Within 30 days after the date specified by the department  
7 for a licensee to correct a deficiency, the department shall provide  
8 the licensee with a licensing report or other appropriate document  
9 verifying compliance or noncompliance. Notwithstanding any  
10 other provision of law, and with good cause, the department may  
11 provide the licensee with an alternate timeframe for providing the  
12 licensing report or other appropriate document verifying  
13 compliance or noncompliance. If the department provides the  
14 licensee with an alternate timeframe, it shall also provide the  
15 reasons for the alternate timeframe, in writing. The licensee shall  
16 make this documentation available to the public.

17 SEC. 11. Section 1596.8595 of the Health and Safety Code is  
18 amended to read:

19 1596.8595. (a) (1) Each licensed child day care facility shall  
20 post a copy of any licensing report pertaining to the facility that  
21 documents either a facility inspection or a complaint investigation  
22 that results in a citation for a violation that, if not corrected, will  
23 create a direct and immediate risk to the health, safety, or personal  
24 rights of the children in care. The licensing report provided by the  
25 department shall be posted immediately upon receipt, adjacent to  
26 the postings required pursuant to Section 1596.817 and on, or  
27 immediately adjacent to, the interior side of the main door to the  
28 facility and shall remain posted for 30 consecutive days.

29 (2) A family day care home shall comply with the posting  
30 requirements contained in paragraph (1) during the hours when  
31 clients are present.

32 (3) Failure to comply with paragraph (1) shall result in an  
33 immediate civil penalty of one hundred dollars (\$100).

34 (b) (1) Notwithstanding subdivision (b) of Section 1596.859,  
35 the licensee shall post a licensing report or other appropriate  
36 document verifying the licensee’s compliance or noncompliance  
37 with the department’s order to correct a deficiency that is subject  
38 to posting pursuant to paragraph (1) of subdivision (a). The  
39 licensing report or other document shall be posted immediately  
40 upon receipt, adjacent to the postings required pursuant to Section

1 1596.817, on, or immediately adjacent to, the interior side of the  
2 main door into the facility and shall be posted for a period of 30  
3 consecutive days.

4 (2) A family day care home shall comply with the posting  
5 requirements contained in paragraph (1) during the hours when  
6 clients are present.

7 (3) Failure to comply with paragraph (1) shall result in an  
8 immediate civil penalty of one hundred dollars (\$100).

9 (c) (1) A licensed child day care facility shall provide to the  
10 parents or guardians of each child receiving services in the facility  
11 copies of any licensing report that documents a citation issued  
12 pursuant to subdivision (d) or (e) of Section 1596.99 or subdivision  
13 (d) or (e) of Section 1597.58 or that represents an immediate risk  
14 to the health, safety, or personal rights of children in care as set  
15 forth in paragraph (1) of subdivision (a) of Section 1596.893b.

16 (2) Upon enrollment of a new child in a facility, the licensee  
17 shall provide to the parents or legal guardians of the newly  
18 enrolling child copies of any licensing report that the licensee has  
19 received during the prior 12-month period that documents a citation  
20 issued pursuant to subdivision (d) or (e) of Section 1596.99 or  
21 subdivision (d) or (e) of Section 1597.58 or that represents an  
22 immediate risk to the health, safety, or personal rights of children  
23 in care as set forth in paragraph (1) of subdivision (a) of Section  
24 1596.893b.

25 (3) The licensee shall require each recipient of the licensing  
26 report described in paragraph (1) pertaining to a complaint  
27 investigation to sign a statement indicating that he or she has  
28 received the document and the date it was received.

29 (4) The licensee shall keep verification of receipt in each child's  
30 file.

31 (d) (1) A licensed child day care facility shall provide to the  
32 parents or legal guardians of each child receiving services in the  
33 facility copies of any licensing document pertaining to a conference  
34 conducted by a local licensing agency management representative  
35 with the licensee in which issues of noncompliance are discussed.

36 (2) Upon enrollment of a new child in a facility, the licensee  
37 shall provide to the parents or legal guardians of the newly  
38 enrolling child copies of any licensing document that the licensee  
39 has received during the prior 12-month period that pertains to a  
40 conference conducted by a local licensing agency management



1 representative with the licensee in which issues of noncompliance  
2 are discussed.

3 (3) The licensee shall require each recipient of the licensing  
4 document pertaining to a conference to sign a statement indicating  
5 that he or she has received the document and the date it was  
6 received.

7 (4) The licensee shall keep verification of receipt in each child's  
8 file.

9 (e) This section shall become inoperative on July 1, 2017, and,  
10 as of January 1, 2018, is repealed, unless a later enacted statute,  
11 that becomes operative on or before January 1, 2018, deletes or  
12 extends the dates on which it becomes inoperative and is repealed.

13 SEC. 12. Section 1596.8595 is added to the Health and Safety  
14 Code, to read:

15 1596.8595. (a) (1) Each licensed child day care facility shall  
16 post a copy of any licensing report pertaining to the facility that  
17 documents either a facility inspection or a complaint investigation  
18 that results in a citation for a violation that, if not corrected, will  
19 create a direct and immediate risk to the health, safety, or personal  
20 rights of the children in care. The licensing report provided by the  
21 department shall be posted immediately upon receipt, adjacent to  
22 the postings required pursuant to Section 1596.817 and on, or  
23 immediately adjacent to, the interior side of the main door to the  
24 facility and shall remain posted for 30 consecutive days.

25 (2) A family day care home shall comply with the posting  
26 requirements contained in paragraph (1) during the hours when  
27 clients are present.

28 (3) Failure to comply with paragraph (1) shall result in an  
29 immediate civil penalty of one hundred dollars (\$100).

30 (b) (1) Notwithstanding subdivision (b) of Section 1596.859,  
31 the licensee shall post a licensing report or other appropriate  
32 document verifying the licensee's compliance or noncompliance  
33 with the department's order to correct a deficiency that is subject  
34 to posting pursuant to paragraph (1) of subdivision (a). The  
35 licensing report or other document shall be posted immediately  
36 upon receipt, adjacent to the postings required pursuant to Section  
37 1596.817, on, or immediately adjacent to, the interior side of the  
38 main door into the facility and shall be posted for a period of 30  
39 consecutive days.

1 (2) A family day care home shall comply with the posting  
2 requirements contained in paragraph (1) during the hours when  
3 clients are present.

4 (3) Failure to comply with paragraph (1) shall result in an  
5 immediate civil penalty of one hundred dollars (\$100).

6 (c) (1) A licensed child day care facility shall provide to the  
7 parents or guardians of each child receiving services in the facility  
8 copies of any licensing report that documents a citation issued  
9 pursuant to subdivision (e) or (f) of Section 1596.99 or subdivision  
10 (e) or (f) of Section 1597.58 or that represents an immediate risk  
11 to the health, safety, or personal rights of children in care as set  
12 forth in paragraph (1) of subdivision (a) of Section 1596.893b.

13 (2) Upon enrollment of a new child in a facility, the licensee  
14 shall provide to the parents or legal guardians of the newly  
15 enrolling child copies of any licensing report that the licensee has  
16 received during the prior 12-month period that documents a citation  
17 issued pursuant to subdivision (e) or (f) of Section 1596.99 or  
18 subdivision (e) or (f) of Section 1597.58 or that represents an  
19 immediate risk to the health, safety, or personal rights of children  
20 in care as set forth in paragraph (1) of subdivision (a) of Section  
21 1596.893b.

22 (3) The licensee shall require each recipient of the licensing  
23 report described in paragraph (1) pertaining to a complaint  
24 investigation to sign a statement indicating that he or she has  
25 received the document and the date it was received.

26 (4) The licensee shall keep verification of receipt in each child's  
27 file.

28 (d) (1) A licensed child day care facility shall provide to the  
29 parents or legal guardians of each child receiving services in the  
30 facility copies of any licensing document pertaining to a conference  
31 conducted by a local licensing agency management representative  
32 with the licensee in which issues of noncompliance are discussed.

33 (2) Upon enrollment of a new child in a facility, the licensee  
34 shall provide to the parents or legal guardians of the newly  
35 enrolling child copies of any licensing document that the licensee  
36 has received during the prior 12-month period that pertains to a  
37 conference conducted by a local licensing agency management  
38 representative with the licensee in which issues of noncompliance  
39 are discussed.

1 (3) The licensee shall require each recipient of the licensing  
2 document pertaining to a conference to sign a statement indicating  
3 that he or she has received the document and the date it was  
4 received.

5 (4) The licensee shall keep verification of receipt in each child's  
6 file.

7 (e) This section shall become operative on July 1, 2017.

8 SEC. 13. Section 1596.99 of the Health and Safety Code is  
9 amended to read:

10 1596.99. (a) In addition to the suspension, temporary  
11 suspension, or revocation of a license issued under this chapter or  
12 Chapter 3.4 (commencing with Section 1596.70), the department  
13 may levy a civil penalty.

14 (b) The amount of the civil penalty shall not be less than  
15 twenty-five dollars (\$25) nor more than fifty dollars (\$50) per day  
16 for each violation of this chapter except where the nature or  
17 seriousness of the violation or the frequency of the violation  
18 warrants a higher penalty or an immediate civil penalty assessment,  
19 or both, as determined by the department. Except as otherwise  
20 provided in this chapter, a civil penalty assessment shall not exceed  
21 one hundred fifty dollars (\$150) per day per violation.

22 (c) Notwithstanding Sections 1596.893a, 1596.893b, and  
23 1596.98, the department shall assess an immediate civil penalty  
24 of one hundred fifty dollars (\$150) per day per violation for any  
25 of the following serious violations:

26 (1) Fire clearance violations, including, but not limited to,  
27 overcapacity, inoperable smoke alarms, and inoperable fire alarm  
28 systems.

29 (2) Absence of supervision, including, but not limited to, a child  
30 left unattended, supervision of a child by a person under 18 years  
31 of age, and lack of supervision resulting in a child wandering away.

32 (3) Accessible bodies of water.

33 (4) Accessible firearms, ammunition, or both.

34 (5) Refused entry to a facility or any part of a facility in violation  
35 of Section 1596.852, 1596.853, or 1597.09.

36 (6) The presence of an excluded person on the premises.

37 (d) For a violation that the department determines resulted in  
38 the death of a child, the civil penalty shall be assessed as follows:

1 (1) Seven thousand five hundred dollars (\$7,500) for a licensee  
2 licensed, among all of the licensee's facilities, to care for 30 or  
3 less children.

4 (2) Ten thousand dollars (\$10,000) for a licensee licensed,  
5 among all of the licensee's facilities, to care for 31 to 100,  
6 inclusive, children.

7 (3) Fifteen thousand dollars (\$15,000) for a licensee licensed,  
8 among all of the licensee's facilities, to care for more than 100  
9 children.

10 (e) (1) For a violation that the department determines constitutes  
11 physical abuse or resulted in serious injury, as defined in Section  
12 1596.8865, to a child, the civil penalty shall be assessed as follows:

13 (A) Two thousand five hundred dollars (\$2,500) for a licensee  
14 licensed, among all of the licensee's facilities, to care for 30 or  
15 less children.

16 (B) Five thousand dollars (\$5,000) for a licensee licensed,  
17 among all of the licensee's facilities, to care for 31 to 100,  
18 inclusive, children.

19 (C) Ten thousand dollars (\$10,000) for a licensee licensed,  
20 among all of the licensee's facilities, to care for more than 100  
21 children.

22 (2) For purposes of this subdivision, "physical abuse" includes  
23 physical injury inflicted upon a child by another person by other  
24 than accidental means, sexual abuse as defined in Section 11165.1  
25 of the Penal Code, neglect as defined in Section 11165.2 of the  
26 Penal Code, or unlawful corporal punishment or injury as defined  
27 in Section 11165.4 of the Penal Code when the person responsible  
28 for the child's welfare is a licensee, administrator, or employee of  
29 any facility licensed to care for children, or an administrator or  
30 employee of a public or private school or other institution or  
31 agency.

32 (f) Before the issuance of a citation imposing a civil penalty  
33 pursuant to subdivision (d) or (e), the decision shall be approved  
34 by the program administrator of the Community Care Licensing  
35 Division.

36 (g) Notwithstanding Sections 1596.893a, 1596.893b, and  
37 1596.98, any day care center that is cited for repeating the same  
38 violation of this chapter or Chapter 3.4 (commencing with Section  
39 1596.70) within 12 months of the first violation is subject to an

1 immediate civil penalty of one hundred fifty dollars (\$150) for  
2 each day the violation continues until the deficiency is corrected.

3 (h) Any day care center that is assessed a civil penalty under  
4 subdivision (g) and that repeats the same violation of this chapter  
5 within 12 months of the violation subject to subdivision (g) shall  
6 be assessed an immediate civil penalty of one hundred fifty dollars  
7 (\$150) for each day the violation continues until the deficiency is  
8 corrected.

9 (i) Notwithstanding any other law, revenues received by the  
10 state from the payment of civil penalties imposed on licensed child  
11 care centers pursuant to this chapter or Chapter 3.4 (commencing  
12 with Section 1596.70), shall be deposited in the Child Health and  
13 Safety Fund, created pursuant to Chapter 4.6 (commencing with  
14 Section 18285) of Part 6 of Division 9 of the Welfare and  
15 Institutions Code, and shall be expended, upon appropriation by  
16 the Legislature, pursuant to subdivision (f) of Section 18285 of  
17 the Welfare and Institutions Code exclusively for the technical  
18 assistance, orientation, training, and education of licensed day care  
19 center providers.

20 (j) (1) The department shall adopt regulations setting forth the  
21 appeal procedures for deficiencies.

22 (2) A notification of a deficiency written by a representative of  
23 the department shall include a factual description of the nature of  
24 the deficiency fully stating the manner in which the licensee failed  
25 to comply with the specified statute or regulation, and, if  
26 applicable, the particular place or area of the facility in which the  
27 deficiency occurred.

28 (k) (1) A licensee shall have the right to submit to the  
29 department a written request for a formal review of a civil penalty  
30 assessed pursuant to subdivisions (d) and (e) within 15 business  
31 days of receipt of the notice of a civil penalty assessment and shall  
32 provide all available supporting documentation at that time. The  
33 review shall be conducted by the deputy director of the Community  
34 Care Licensing Division. The licensee may submit additional  
35 supporting documentation that was unavailable at the time of  
36 submitting the request for review within the first 30 business days  
37 after submitting the request for review. If the department requires  
38 additional information from the licensee, that information shall be  
39 requested within the first 30 business days after receiving the  
40 request for review. The licensee shall provide this additional

1 information within 30 business days of receiving the request from  
2 the department. If the deputy director determines that the civil  
3 penalty was not assessed, or the finding of the deficiency that  
4 resulted in the assessment of the civil penalty was not made, in  
5 accordance with applicable statutes or regulations of the  
6 department, he or she may amend or dismiss the civil penalty or  
7 finding of deficiency. The licensee shall be notified in writing of  
8 the deputy director's decision within 60 business days of the date  
9 when all necessary information has been provided to the  
10 department by the licensee.

11 (2) Upon exhausting the review described in paragraph (1), a  
12 licensee may further appeal that decision to an administrative law  
13 judge. Proceedings shall be conducted in accordance with Chapter  
14 5 (commencing with Section 11500) of Part 1 of Division 3 of  
15 Title 2 of the Government Code, and the department shall have all  
16 the powers granted by those provisions. In all proceedings  
17 conducted in accordance with this section, the standard of proof  
18 shall be by a preponderance of the evidence.

19 (3) If, in addition to an assessment of civil penalties, the  
20 department elects to file an administrative action to suspend or  
21 revoke the facility license that includes violations relating to the  
22 assessment of the civil penalties, the department review of the  
23 pending appeal shall cease and the assessment of the civil penalties  
24 shall be heard as part of the administrative action process.

25 (l) (1) A licensee shall have the right to submit to the  
26 department a written request for a formal review of any other civil  
27 penalty or deficiency not described in subdivision (k) within 15  
28 business days of receipt of the notice of a civil penalty assessment  
29 or a finding of a deficiency, and shall provide all available  
30 supporting documentation at that time. The review shall be  
31 conducted by a regional manager of the Community Care Licensing  
32 Division. The licensee may submit additional supporting  
33 documentation that was unavailable at the time of submitting the  
34 request for review within the first 30 business days after submitting  
35 the request for review. If the department requires additional  
36 information from the licensee, that information shall be requested  
37 within the first 30 business days after receiving the request for  
38 review. The licensee shall provide this additional information  
39 within 30 business days of receiving the request from the  
40 department. If the regional manager determines that the civil

1 penalty was not assessed, or the finding of the deficiency was not  
2 made, in accordance with applicable statutes or regulations of the  
3 department, he or she may amend or dismiss the civil penalty or  
4 finding of deficiency. The licensee shall be notified in writing of  
5 the regional manager's decision within 60 business days of the  
6 date when all necessary information has been provided to the  
7 department by the licensee.

8 (2) Upon exhausting the review described in paragraph (1), the  
9 licensee may further appeal that decision to the program  
10 administrator of the Community Care Licensing Division within  
11 15 business days of receipt of notice of the regional manager's  
12 decision. The licensee may submit additional supporting  
13 documentation that was unavailable at the time of appeal to the  
14 program administrator within the first 30 business days after  
15 requesting that appeal. If the department requires additional  
16 information from the licensee, that information shall be requested  
17 within the first 30 business days after receiving the request for the  
18 appeal. The licensee shall provide this additional information  
19 within 30 business days of receiving the request from the  
20 department. If the program administrator determines that the civil  
21 penalty was not assessed, or the finding of the deficiency was not  
22 made, in accordance with applicable statutes or regulations of the  
23 department, he or she may amend or dismiss the civil penalty or  
24 finding of deficiency. The licensee shall be notified in writing of  
25 the program administrator's decision within 60 business days of  
26 the date when all necessary information has been provided to the  
27 department by the licensee. The program administrator's decision  
28 is considered final and concludes the licensee's administrative  
29 appeal rights regarding the appeal conducted pursuant to this  
30 paragraph.

31 (m) The department shall, by January 1, 2016, amend its  
32 regulations to reflect the changes to this section made by Section  
33 8 of Chapter 813 of the Statutes of 2014.

34 (n) Notwithstanding the Administrative Procedure Act (Chapter  
35 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
36 Title 2 of the Government Code), the department may implement  
37 and administer the changes made by the act that added this  
38 subdivision through all-county letters or similar written instructions  
39 until regulations are adopted pursuant to the Administrative  
40 Procedure Act.

(o) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 14. Section 1596.99 is added to the Health and Safety Code, to read:

1596.99. (a) In addition to the suspension, temporary suspension, or revocation of a license issued under this chapter or Chapter 3.4 (commencing with Section 1596.70), the department shall levy civil penalties as follows:

(b) (1) The amount of the civil penalty shall be one hundred dollars (\$100) per day for each violation of this chapter if a facility fails to correct a deficiency after being provided a specified length of time to correct the deficiency.

(A) If a licensee or a licensee's representative submits evidence to the department that the licensee has corrected a deficiency, and the department, after reviewing that evidence, has determined that the deficiency has been corrected, the civil penalty shall cease as of the day the department received that evidence.

(B) If the department deems it necessary, the department shall inspect the facility within five working days after the department receives evidence pursuant to subparagraph (A) to confirm that the deficiency has been corrected.

(C) If the department determines that the deficiency has not been corrected, the civil penalty shall continue to accrue from the date of the original citation.

(D) If the department is able to verify that the deficiency was corrected prior to the date on which the department received the evidence pursuant to subparagraph (A), the civil penalty shall cease as of that earlier date.

(2) (A) If the department issues a notification of deficiency to a facility for a repeat violation of a violation specified in paragraph (1), the department shall assess an immediate civil penalty of two hundred fifty dollars (\$250) per repeat violation and one hundred dollars (\$100) for each day the repeat violation continues after citation. The notification of deficiency shall state the manner in which the deficiency constitutes a repeat violation and shall be submitted to a supervisor for review and approval.

(B) For purposes of this section, "repeat violation" means a violation within 12 months of a prior violation of a statutory or



1 regulatory provision designated by the same combination of letters  
2 or numerals, or both letters and numerals.

3 *(C) Notwithstanding subparagraphs (A) and (B), the department,*  
4 *in its sole discretion, may reduce the civil penalty for the cited*  
5 *repeat violation to the level of the underlying violation, as*  
6 *applicable, if it determines that the cited repeat violation is not*  
7 *substantially similar to the original violation.*

8 (3) If the nature or seriousness of the violation or the frequency  
9 of the violation warrants a higher penalty or an immediate civil  
10 penalty assessment, or both, as provided in this chapter, a  
11 correction of a deficiency shall not impact the imposition of a civil  
12 penalty.

13 (c) The department shall assess an immediate civil penalty of  
14 five hundred dollars (\$500) per violation and one hundred dollars  
15 (\$100) for each day the violation continues after citation, for any  
16 of the following serious violations:

17 (1) Any violation that the department determines resulted in the  
18 injury or illness of a child.

19 (2) Fire clearance violations, including, but not limited to,  
20 overcapacity, inoperable smoke alarms, and inoperable fire alarm  
21 systems.

22 (3) Absence of supervision, including, but not limited to, a child  
23 left unattended, and supervision of a child by a person under 18  
24 years of age.

25 (4) Accessible bodies of water, when prohibited by this chapter  
26 or regulations adopted pursuant to this chapter.

27 (5) Accessible firearms, ammunition, or both.

28 (6) Refused entry to a facility or any part of a facility in violation  
29 of Section 1596.852, 1596.853, or 1597.09.

30 (7) The presence of a person subject to a department Order of  
31 Exclusion on the premises.

32 (d) If the department issues a notification of deficiency to a  
33 facility for a repeat violation of a violation specified in subdivision  
34 (c), the department shall assess an immediate civil penalty of one  
35 thousand dollars (\$1,000) per repeat violation and one hundred  
36 dollars (\$100) for each day the repeat violation continues after  
37 citation. The notification of deficiency shall state the manner in  
38 which the deficiency constitutes a repeat violation and shall be  
39 submitted to a supervisor for review and approval.

(e) For a violation that the department determines resulted in the death of a child, the civil penalty shall be assessed as follows:

(1) Seven thousand five hundred dollars (\$7,500) for a facility licensed to care for 30 or fewer children.

(2) Ten thousand dollars (\$10,000) for a facility licensed to care for 31 to 100, inclusive, children.

(3) Fifteen thousand dollars (\$15,000) for a facility licensed to care for more than 100 children.

(f) (1) For a violation that the department determines constitutes physical abuse or resulted in serious injury, as defined in Section 1596.8865, to a child, the civil penalty shall be assessed as follows:

(A) Two thousand five hundred dollars (\$2,500) for a facility licensed to care for 30 or fewer children.

(B) Five thousand dollars (\$5,000) for a facility licensed to care for 31 to 100, inclusive, children.

(C) Ten thousand dollars (\$10,000) for a facility licensed to care for more than 100 children.

(2) For purposes of this subdivision, “physical abuse” includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1 of the Penal Code, neglect as defined in Section 11165.2 of the Penal Code, or unlawful corporal punishment or injury as defined in Section 11165.4 of the Penal Code when the person responsible for the child’s welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency.

(g) (1) Before the assessment of a civil penalty pursuant to subdivision (e) or (f), the decision shall be approved by the program administrator of the Community Care Licensing Division.

(2) (A) The department shall reduce the amount of a civil penalty due pursuant to subdivision (e) or (f) by the amount of the civil penalty already assessed for the underlying violation.

(B) If the amount of the civil penalty that the department has already assessed for the underlying violation exceeds the amount of the penalty pursuant to subdivision (e) or (f), the larger amount shall prevail and be due and payable as already assessed by the department.

(h) Notwithstanding any other law, revenues received by the state from the payment of civil penalties imposed on licensed child

1 care centers pursuant to this chapter or Chapter 3.4 (commencing  
2 with Section 1596.70), shall be deposited in the Child Health and  
3 Safety Fund, created pursuant to Chapter 4.6 (commencing with  
4 Section 18285) of Part 6 of Division 9 of the Welfare and  
5 Institutions Code, and shall be expended, upon appropriation by  
6 the Legislature, pursuant to subdivision (f) of Section 18285 of  
7 the Welfare and Institutions Code exclusively for the technical  
8 assistance, orientation, training, and education of licensed day care  
9 center providers.

10 (i) (1) A notification of a deficiency written by a representative  
11 of the department shall include a factual description of the nature  
12 of the deficiency fully stating the manner in which the licensee  
13 failed to comply with the specified statute or regulation, and, if  
14 applicable, the particular place or area in which the deficiency  
15 occurred. The department shall make a good faith effort to work  
16 with the licensee to determine the cause of the deficiency and ways  
17 to prevent any repeat violations.

18 (2) The department shall adopt regulations setting forth the  
19 appeal procedures for deficiencies.

20 (j) (1) A licensee shall have the right to submit to the  
21 department a written request for a formal review of a civil penalty  
22 assessed pursuant to subdivisions (d) and (e) within 15 business  
23 days of receipt of the notice of a civil penalty assessment and shall  
24 provide all available supporting documentation at that time. The  
25 review shall be conducted by the deputy director of the Community  
26 Care Licensing Division. The licensee may submit additional  
27 supporting documentation that was unavailable at the time of  
28 submitting the request for review within the first 30 business days  
29 after submitting the request for review. If the department requires  
30 additional information from the licensee, that information shall be  
31 requested within the first 30 business days after receiving the  
32 request for review. The licensee shall provide this additional  
33 information within 30 business days of receiving the request from  
34 the department. If the deputy director determines that the civil  
35 penalty was not assessed, or the finding of the deficiency that  
36 resulted in the assessment of the civil penalty was not made, in  
37 accordance with applicable statutes or regulations of the  
38 department, he or she may amend or dismiss the civil penalty or  
39 finding of deficiency. The licensee shall be notified in writing of  
40 the deputy director's decision within 60 business days of the date

1 when all necessary information has been provided to the  
2 department by the licensee.

3 (2) Upon exhausting the review described in paragraph (1), a  
4 licensee may further appeal that decision to an administrative law  
5 judge. Proceedings shall be conducted in accordance with Chapter  
6 5 (commencing with Section 11500) of Part 1 of Division 3 of  
7 Title 2 of the Government Code, and the department shall have all  
8 the powers granted by those provisions. In all proceedings  
9 conducted in accordance with this section, the standard of proof  
10 shall be by a preponderance of the evidence.

11 (3) If, in addition to an assessment of civil penalties, the  
12 department elects to file an administrative action to suspend or  
13 revoke the facility license that includes violations relating to the  
14 assessment of the civil penalties, the department review of the  
15 pending appeal shall cease and the assessment of the civil penalties  
16 shall be heard as part of the administrative action process.

17 (4) Civil penalties shall be due and payable when administrative  
18 appeals have been exhausted. Unless payment arrangements have  
19 been made that are acceptable to the department, a civil penalty  
20 not paid within 30 days shall be subject to late fees, as specified  
21 by the department in regulation.

22 (k) (1) A licensee shall have the right to submit to the  
23 department a written request for a formal review of any other civil  
24 penalty or deficiency not described in subdivision (j) within 15  
25 business days of receipt of the notice of a civil penalty assessment  
26 or a finding of a deficiency, and shall provide all available  
27 supporting documentation at that time. The review shall be  
28 conducted by a regional manager of the Community Care Licensing  
29 Division. The licensee may submit additional supporting  
30 documentation that was unavailable at the time of submitting the  
31 request for review within the first 30 business days after submitting  
32 the request for review. If the department requires additional  
33 information from the licensee, that information shall be requested  
34 within the first 30 business days after receiving the request for  
35 review. The licensee shall provide this additional information  
36 within 30 business days of receiving the request from the  
37 department. If the regional manager determines that the civil  
38 penalty was not assessed, or the finding of the deficiency was not  
39 made, in accordance with applicable statutes or regulations of the  
40 department, he or she may amend or dismiss the civil penalty or

1 finding of deficiency. The licensee shall be notified in writing of  
2 the regional manager's decision within 60 business days of the  
3 date when all necessary information has been provided to the  
4 department by the licensee.

5 (2) Upon exhausting the review described in paragraph (1), the  
6 licensee may further appeal that decision to the program  
7 administrator of the Community Care Licensing Division within  
8 15 business days of receipt of notice of the regional manager's  
9 decision. The licensee may submit additional supporting  
10 documentation that was unavailable at the time of appeal to the  
11 program administrator within the first 30 business days after  
12 requesting that appeal. If the department requires additional  
13 information from the licensee, that information shall be requested  
14 within the first 30 business days after receiving the request for the  
15 appeal. The licensee shall provide this additional information  
16 within 30 business days of receiving the request from the  
17 department. If the program administrator determines that the civil  
18 penalty was not assessed, or the finding of the deficiency was not  
19 made, in accordance with applicable statutes or regulations of the  
20 department, he or she may amend or dismiss the civil penalty or  
21 finding of deficiency. The licensee shall be notified in writing of  
22 the program administrator's decision within 60 business days of  
23 the date when all necessary information has been provided to the  
24 department by the licensee. The program administrator's decision  
25 is considered final and concludes the licensee's administrative  
26 appeal rights regarding the appeal conducted pursuant to this  
27 paragraph.

28 (3) Civil penalties shall be due and payable when administrative  
29 appeals have been exhausted. Unless payment arrangements have  
30 been made that are acceptable to the department, a civil penalty  
31 not paid within 30 days shall be subject to late fees, as specified  
32 by the department in regulation.

33 (l) The department shall, by January 1, 2016, amend its  
34 regulations to reflect the changes to this section made by Section  
35 8 of Chapter 813 of the Statutes of 2014.

36 (m) Notwithstanding the Administrative Procedure Act (Chapter  
37 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
38 Title 2 of the Government Code), the department may implement  
39 and administer the changes made by the act that added this  
40 subdivision through all-county letters or similar written instructions

1 until regulations are adopted pursuant to the Administrative  
2 Procedure Act.

3 (n) This section shall become operative on July 1, 2017.

4 SEC. 15. Section 1597.58 of the Health and Safety Code is  
5 amended to read:

6 1597.58. (a) In addition to the suspension, temporary  
7 suspension, or revocation of a license issued under this chapter,  
8 the department may levy a civil penalty.

9 (b) The amount of the civil penalty shall not be less than  
10 twenty-five dollars (\$25) nor more than fifty dollars (\$50) per day  
11 for each violation of this chapter except where the nature or  
12 seriousness of the violation or the frequency of the violation  
13 warrants a higher penalty or an immediate civil penalty assessment  
14 or both, as determined by the department. Except as otherwise  
15 provided in this chapter, a civil penalty assessment shall not exceed  
16 one hundred fifty dollars (\$150) per day per violation.

17 (c) Notwithstanding Sections 1596.893a, 1596.893b, 1597.56,  
18 and 1597.62, the department shall assess an immediate civil penalty  
19 of one hundred fifty dollars (\$150) per day per violation for any  
20 of the following serious violations:

21 (1) Any violation that results in the injury, illness, or death of  
22 a child.

23 (2) Absence of supervision, including, but not limited to, a child  
24 left unattended, a child left alone with a person under 18 years of  
25 age, and lack of supervision resulting in a child wandering away.

26 (3) Accessible bodies of water.

27 (4) Accessible firearms, ammunition, or both.

28 (5) Refused entry to a facility or any part of a facility in violation  
29 of Sections 1596.852, 1596.853, 1597.55a, and 1597.55b.

30 (6) The presence of an excluded person on the premises.

31 (d) For a violation that the department determines resulted in  
32 the death of a child, the civil penalty shall be assessed as follows:

33 (1) Five thousand dollars (\$5,000) for a small family day care  
34 home, as described in Section 1597.44.

35 (2) Seven thousand five hundred dollars (\$7,500) for a large  
36 family day care home, as described in Section 1597.465.

37 (e) (1) For a violation that the department determines constitutes  
38 physical abuse or resulted in serious injury, as defined in Section  
39 1596.8865, to a child, the civil penalty shall be assessed as follows:

1 (A) One thousand dollars (\$1,000) for a small family day care  
2 home, as described in Section 1597.44.

3 (B) Two thousand dollars (\$2,000) for a large family day care  
4 home, as described in Section 1597.465.

5 (2) For purposes of this subdivision, “physical abuse” includes  
6 physical injury inflicted upon a child by another person by other  
7 than accidental means, sexual abuse as defined in Section 11165.1  
8 of the Penal Code, neglect as defined in Section 11165.2 of the  
9 Penal Code, or unlawful corporal punishment or injury as defined  
10 in Section 11165.4 of the Penal Code when the person responsible  
11 for the child’s welfare is a licensee, administrator, or employee of  
12 any facility licensed to care for children, or an administrator or  
13 employee of a public or private school or other institution or  
14 agency.

15 (f) Before the issuance of a citation imposing a civil penalty  
16 pursuant to subdivision (d) or (e), the decision shall be approved  
17 by the program administrator of the Community Care Licensing  
18 Division.

19 (g) Notwithstanding Sections 1596.893a, 1596.893b, 1597.56,  
20 and 1597.62, any family day care home that is cited for repeating  
21 the same violation of this chapter or Chapter 3.4 (commencing  
22 with Section 1596.70), within 12 months of the first violation, is  
23 subject to an immediate civil penalty assessment of up to one  
24 hundred fifty dollars (\$150) and may be assessed up to fifty dollars  
25 (\$50) for each day the violation continues until the deficiency is  
26 corrected.

27 (h) Any family day care home that is assessed a civil penalty  
28 under subdivision (g) that repeats the same violation of this chapter  
29 within 12 months of the violation subject to subdivision (g) shall  
30 be assessed an immediate assessment of up to one hundred fifty  
31 dollars (\$150) and may be assessed up to one hundred fifty dollars  
32 (\$150) for each day the violation continues until the deficiency is  
33 corrected.

34 (i) Notwithstanding any other law, revenues received by the  
35 state from the payment of civil penalties imposed on licensed  
36 family day care homes pursuant to this chapter or Chapter 3.4  
37 (commencing with Section 1596.70), shall be deposited in the  
38 Child Health and Safety Fund, created pursuant to Chapter 4.6  
39 (commencing with Section 18285) of Part 6 of Division 9 of the  
40 Welfare and Institutions Code, and shall be expended, upon

1 appropriation by the Legislature, pursuant to subdivision (f) of  
2 Section 18285 of the Welfare and Institutions Code exclusively  
3 for the technical assistance, orientation, training, and education of  
4 licensed family day care home providers.

5 (j) (1) The department shall adopt regulations setting forth the  
6 appeal procedures for deficiencies.

7 (2) A notification of a deficiency written by a representative of  
8 the department shall include a factual description of the nature of  
9 the deficiency fully stating the manner in which the licensee failed  
10 to comply with the specified statute or regulation, and, if  
11 applicable, the particular place or area of the facility in which the  
12 deficiency occurred.

13 (k) (1) A licensee shall have the right to submit to the  
14 department a written request for a formal review of a civil penalty  
15 assessed pursuant to subdivisions (d) and (e) within 15 business  
16 days of receipt of the notice of a civil penalty assessment and shall  
17 provide all available supporting documentation at that time. The  
18 review shall be conducted by the deputy director of the Community  
19 Care Licensing Division. The licensee may submit additional  
20 supporting documentation that was unavailable at the time of  
21 submitting the request for review within the first 30 business days  
22 after submitting the request for review. If the department requires  
23 additional information from the licensee, that information shall be  
24 requested within the first 30 business days after receiving the  
25 request for review. The licensee shall provide this additional  
26 information within 30 business days of receiving the request from  
27 the department. If the deputy director determines that the civil  
28 penalty was not assessed, or the finding of the deficiency that  
29 resulted in the assessment of the civil penalty was not made, in  
30 accordance with applicable statutes or regulations of the  
31 department, he or she may amend or dismiss the civil penalty or  
32 finding of deficiency. The licensee shall be notified in writing of  
33 the deputy director's decision within 60 business days of the date  
34 when all necessary information has been provided to the  
35 department by the licensee.

36 (2) Upon exhausting the review described in paragraph (1), a  
37 licensee may further appeal that decision to an administrative law  
38 judge. Proceedings shall be conducted in accordance with Chapter  
39 5 (commencing with Section 11500) of Part 1 of Division 3 of  
40 Title 2 of the Government Code, and the department shall have all



1 the powers granted by those provisions. In all proceedings  
2 conducted in accordance with this section, the standard of proof  
3 shall be by a preponderance of the evidence.

4 (3) If, in addition to an assessment of civil penalties, the  
5 department elects to file an administrative action to suspend or  
6 revoke the facility license that includes violations relating to the  
7 assessment of the civil penalties, the department review of the  
8 pending appeal shall cease and the assessment of the civil penalties  
9 shall be heard as part of the administrative action process.

10 (l) (1) A licensee shall have the right to submit to the  
11 department a written request for a formal review of any other civil  
12 penalty or deficiency not described in subdivision (k) within 15  
13 business days of receipt of the notice of a civil penalty assessment  
14 or a finding of a deficiency, and shall provide all available  
15 supporting documentation at that time. The review shall be  
16 conducted by a regional manager of the Community Care Licensing  
17 Division. The licensee may submit additional supporting  
18 documentation that was unavailable at the time of submitting the  
19 request for review within the first 30 business days after submitting  
20 the request for review. If the department requires additional  
21 information from the licensee, that information shall be requested  
22 within the first 30 business days after receiving the request for  
23 review. The licensee shall provide this additional information  
24 within 30 business days of receiving the request from the  
25 department. If the regional manager determines that the civil  
26 penalty was not assessed, or the finding of the deficiency was not  
27 made, in accordance with applicable statutes or regulations of the  
28 department, he or she may amend or dismiss the civil penalty or  
29 finding of deficiency. The licensee shall be notified in writing of  
30 the regional manager's decision within 60 business days of the  
31 date when all necessary information has been provided to the  
32 department by the licensee.

33 (2) Upon exhausting the review described in paragraph (1), the  
34 licensee may further appeal that decision to the program  
35 administrator of the Community Care Licensing Division within  
36 15 business days of receipt of notice of the regional manager's  
37 decision. The licensee may submit additional supporting  
38 documentation that was unavailable at the time of appeal to the  
39 program administrator within the first 30 business days after  
40 requesting that appeal. If the department requires additional

1 information from the licensee, that information shall be requested  
2 within the first 30 business days after receiving the request for the  
3 appeal. The licensee shall provide this additional information  
4 within 30 business days of receiving the request from the  
5 department. If the program administrator determines that the civil  
6 penalty was not assessed, or the finding of the deficiency was not  
7 made, in accordance with applicable statutes or regulations of the  
8 department, he or she may amend or dismiss the civil penalty or  
9 finding of deficiency. The licensee shall be notified in writing of  
10 the program administrator's decision within 60 business days of  
11 the date when all necessary information has been provided to the  
12 department by the licensee. The program administrator's decision  
13 is considered final and concludes the licensee's administrative  
14 appeal rights regarding the appeal conducted pursuant to this  
15 paragraph.

16 (m) The department shall, by January 1, 2016, amend its  
17 regulations to reflect the changes to this section made by Section  
18 10 of Chapter 813 of the Statutes of 2014.

19 (n) Notwithstanding the Administrative Procedure Act (Chapter  
20 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
21 Title 2 of the Government Code), the department may implement  
22 and administer the changes made by the act that added this  
23 subdivision through all-county letters or similar written instructions  
24 until regulations are adopted pursuant to the Administrative  
25 Procedure Act.

26 (o) This section shall become inoperative on July 1, 2017, and,  
27 as of January 1, 2018, is repealed, unless a later enacted statute,  
28 that becomes operative on or before January 1, 2018, deletes or  
29 extends the dates on which it becomes inoperative and is repealed.

30 SEC. 16. Section 1597.58 is added to the Health and Safety  
31 Code, to read:

32 1597.58. (a) In addition to the suspension, temporary  
33 suspension, or revocation of a license issued under this chapter,  
34 the department shall levy a civil penalty.

35 (b) (1) The amount of the civil penalty shall be one hundred  
36 dollars (\$100) per day for each violation of this chapter if a facility  
37 fails to correct a deficiency after being provided a specified length  
38 of time to correct that deficiency.

39 (A) If a licensee or a licensee's representative submits evidence  
40 to the department that the licensee has corrected a deficiency, and

1 the department, after reviewing that evidence, has determined that  
2 the deficiency has been corrected, the civil penalty shall cease as  
3 of the day the department received that evidence.

4 (B) If the department deems it necessary, the department shall  
5 inspect the facility within five working days after the department  
6 receives evidence pursuant to subparagraph (A) to confirm that  
7 the deficiency has been corrected.

8 (C) If the department determines that the deficiency has not  
9 been corrected, the civil penalty shall continue to accrue from the  
10 date of the original citation.

11 (D) If the department is able to verify that the deficiency was  
12 corrected prior to the date on which the department received the  
13 evidence pursuant to subparagraph (A), the civil penalty shall cease  
14 as of that earlier date.

15 (2) (A) If the department issues a notification of deficiency to  
16 a facility for a repeat violation of a violation specified in paragraph  
17 (1), the department shall assess an immediate civil penalty of two  
18 hundred fifty dollars (\$250) per repeat violation and one hundred  
19 dollars (\$100) for each day the repeat violation continues after  
20 citation. The notification of deficiency shall state the manner in  
21 which the deficiency constitutes a repeat violation and shall be  
22 submitted to a supervisor for review and approval.

23 (B) For purposes of this section, “repeat violation” means a  
24 violation within 12 months of a prior violation of a statutory or  
25 regulatory provision designated by the same combination of letters  
26 or numerals, or both letters and numerals.

27 (C) *Notwithstanding subparagraphs (A) and (B), the department,*  
28 *in its sole discretion, may reduce the civil penalty for the cited*  
29 *repeat violation to the level of the underlying violation, as*  
30 *applicable, if it determines that the cited repeat violation is not*  
31 *substantially similar to the original violation.*

32 (3) If the nature or seriousness of the violation or the frequency  
33 of the violation warrants a higher penalty or an immediate civil  
34 penalty assessment, or both, as provided in this chapter, a  
35 correction of the deficiency shall not impact the imposition of a  
36 civil penalty.

37 (c) The department shall assess an immediate civil penalty of  
38 five hundred dollars (\$500) per violation and one hundred dollars  
39 (\$100) for each day the violation continues after citation, for any  
40 of the following serious violations:

1 (1) Any violation that the department determines resulted in the  
2 injury or illness of a child.

3 (2) Absence of supervision, including, but not limited to, a child  
4 left unattended and a child left alone with a person under 18 years  
5 of age.

6 (3) Accessible bodies of water, when prohibited by this chapter  
7 or regulations adopted pursuant to this chapter.

8 (4) Accessible firearms, ammunition, or both.

9 (5) Refused entry to a facility or any part of a facility in violation  
10 of Sections 1596.852, 1596.853, 1597.55a, and 1597.55b.

11 (6) The presence of a person subject to a department Order of  
12 Exclusion on the premises.

13 (d) If the department issues a notification of deficiency to a  
14 facility for a repeat violation of a violation specified in subdivision  
15 (c), the department shall assess an immediate civil penalty of one  
16 thousand dollars (\$1,000) per repeat violation and one hundred  
17 dollars (\$100) for each day the repeat violation continues after  
18 citation. The notification of deficiency shall state the manner in  
19 which the deficiency constitutes a repeat violation and shall be  
20 submitted to a supervisor for review and approval.

21 (e) For a violation that the department determines resulted in  
22 the death of a child, the civil penalty shall be assessed as follows:

23 (1) Five thousand dollars (\$5,000) for a small family day care  
24 home, as described in Section 1597.44.

25 (2) Seven thousand five hundred dollars (\$7,500) for a large  
26 family day care home, as described in Section 1597.465.

27 (f) (1) For a violation that the department determines constitutes  
28 physical abuse or resulted in serious injury, as defined in Section  
29 1596.8865, to a child, the civil penalty shall be assessed as follows:

30 (A) One thousand dollars (\$1,000) for a small family day care  
31 home, as described in Section 1597.44.

32 (B) Two thousand dollars (\$2,000) for a large family day care  
33 home, as described in Section 1597.465.

34 (2) For purposes of this subdivision, “physical abuse” includes  
35 physical injury inflicted upon a child by another person by other  
36 than accidental means, sexual abuse as defined in Section 11165.1  
37 of the Penal Code, neglect as defined in Section 11165.2 of the  
38 Penal Code, or unlawful corporal punishment or injury as defined  
39 in Section 11165.4 of the Penal Code when the person responsible  
40 for the child’s welfare is a licensee, administrator, or employee of

1 any facility licensed to care for children, or an administrator or  
2 employee of a public or private school or other institution or  
3 agency.

4 (g) (1) Before the assessment of a civil penalty pursuant to  
5 subdivision (e) or (f), the decision shall be approved by the program  
6 administrator of the Community Care Licensing Division.

7 (2) (A) The department shall reduce the amount of a civil  
8 penalty due pursuant to subdivision (e) or (f) by the amount of the  
9 civil penalty already assessed for the underlying violation.

10 (B) If the amount of the civil penalty that the department has  
11 already assessed for the underlying violation exceeds the amount  
12 of the penalty pursuant to subdivision (e) or (f), the larger amount  
13 shall prevail and be due and payable as already assessed by the  
14 department.

15 (h) Notwithstanding any other law, revenues received by the  
16 state from the payment of civil penalties imposed on licensed  
17 family day care homes pursuant to this chapter or Chapter 3.4  
18 (commencing with Section 1596.70), shall be deposited in the  
19 Child Health and Safety Fund, created pursuant to Chapter 4.6  
20 (commencing with Section 18285) of Part 6 of Division 9 of the  
21 Welfare and Institutions Code, and shall be expended, upon  
22 appropriation by the Legislature, pursuant to subdivision (f) of  
23 Section 18285 of the Welfare and Institutions Code exclusively  
24 for the technical assistance, orientation, training, and education of  
25 licensed family day care home providers.

26 (i) (1) A notification of a deficiency written by a representative  
27 of the department shall include a factual description of the nature  
28 of the deficiency fully stating the manner in which the licensee  
29 failed to comply with the specified statute or regulation, and, if  
30 applicable, the particular place or area in which the deficiency  
31 occurred. The department shall make a good faith effort to work  
32 with the licensee to determine the cause of the deficiency and ways  
33 to prevent any repeat violations.

34 (2) The department shall adopt regulations setting forth appeal  
35 procedures for deficiencies.

36 (j) (1) A licensee shall have the right to submit to the  
37 department a written request for a formal review of a civil penalty  
38 assessed pursuant to subdivisions (d) and (e) within 15 business  
39 days of receipt of the notice of a civil penalty assessment and shall  
40 provide all available supporting documentation at that time. The

1 review shall be conducted by the deputy director of the Community  
2 Care Licensing Division. The licensee may submit additional  
3 supporting documentation that was unavailable at the time of  
4 submitting the request for review within the first 30 business days  
5 after submitting the request for review. If the department requires  
6 additional information from the licensee, that information shall be  
7 requested within the first 30 business days after receiving the  
8 request for review. The licensee shall provide this additional  
9 information within 30 business days of receiving the request from  
10 the department. If the deputy director determines that the civil  
11 penalty was not assessed, or the finding of the deficiency that  
12 resulted in the assessment of the civil penalty was not made, in  
13 accordance with applicable statutes or regulations of the  
14 department, he or she may amend or dismiss the civil penalty or  
15 finding of deficiency. The licensee shall be notified in writing of  
16 the deputy director's decision within 60 business days of the date  
17 when all necessary information has been provided to the  
18 department by the licensee.

19 (2) Upon exhausting the review described in paragraph (1), a  
20 licensee may further appeal that decision to an administrative law  
21 judge. Proceedings shall be conducted in accordance with Chapter  
22 5 (commencing with Section 11500) of Part 1 of Division 3 of  
23 Title 2 of the Government Code, and the department shall have all  
24 the powers granted by those provisions. In all proceedings  
25 conducted in accordance with this section, the standard of proof  
26 shall be by a preponderance of the evidence.

27 (3) If, in addition to an assessment of civil penalties, the  
28 department elects to file an administrative action to suspend or  
29 revoke the facility license that includes violations relating to the  
30 assessment of the civil penalties, the department review of the  
31 pending appeal shall cease and the assessment of the civil penalties  
32 shall be heard as part of the administrative action process.

33 (4) Civil penalties shall be due and payable when administrative  
34 appeals have been exhausted. Unless payment arrangements have  
35 been made that are acceptable to the department, a civil penalty  
36 not paid within 30 days shall be subject to late fees, as specified  
37 by the department in regulation.

38 (k) (1) A licensee shall have the right to submit to the  
39 department a written request for a formal review of any other civil  
40 penalty or deficiency not described in subdivision (j) within 15

1 business days of receipt of the notice of a civil penalty assessment  
2 or a finding of a deficiency, and shall provide all available  
3 supporting documentation at that time. The review shall be  
4 conducted by a regional manager of the Community Care Licensing  
5 Division. The licensee may submit additional supporting  
6 documentation that was unavailable at the time of submitting the  
7 request for review within the first 30 business days after submitting  
8 the request for review. If the department requires additional  
9 information from the licensee, that information shall be requested  
10 within the first 30 business days after receiving the request for  
11 review. The licensee shall provide this additional information  
12 within 30 business days of receiving the request from the  
13 department. If the regional manager determines that the civil  
14 penalty was not assessed, or the finding of the deficiency was not  
15 made, in accordance with applicable statutes or regulations of the  
16 department, he or she may amend or dismiss the civil penalty or  
17 finding of deficiency. The licensee shall be notified in writing of  
18 the regional manager's decision within 60 business days of the  
19 date when all necessary information has been provided to the  
20 department by the licensee.

21 (2) Upon exhausting the review described in paragraph (1), the  
22 licensee may further appeal that decision to the program  
23 administrator of the Community Care Licensing Division within  
24 15 business days of receipt of notice of the regional manager's  
25 decision. The licensee may submit additional supporting  
26 documentation that was unavailable at the time of appeal to the  
27 program administrator within the first 30 business days after  
28 requesting that appeal. If the department requires additional  
29 information from the licensee, that information shall be requested  
30 within the first 30 business days after receiving the request for the  
31 appeal. The licensee shall provide this additional information  
32 within 30 business days of receiving the request from the  
33 department. If the program administrator determines that the civil  
34 penalty was not assessed, or the finding of the deficiency was not  
35 made, in accordance with applicable statutes or regulations of the  
36 department, he or she may amend or dismiss the civil penalty or  
37 finding of deficiency. The licensee shall be notified in writing of  
38 the program administrator's decision within 60 business days of  
39 the date when all necessary information has been provided to the  
40 department by the licensee. The program administrator's decision

1 is considered final and concludes the licensee's administrative  
2 appeal rights regarding the appeal conducted pursuant to this  
3 paragraph.

4 (3) Civil penalties shall be due and payable when administrative  
5 appeals have been exhausted. Unless payment arrangements have  
6 been made that are acceptable to the department, a civil penalty  
7 not paid within 30 days shall be subject to late fees, as specified  
8 by the department in regulation.

9 (l) Notwithstanding the Administrative Procedure Act (Chapter  
10 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
11 Title 2 of the Government Code), the department may implement  
12 and administer the changes made by the act that added this  
13 subdivision through all-county letters or similar written instructions  
14 until regulations are adopted pursuant to the Administrative  
15 Procedure Act.

16 (m) This section shall become operative on July 1, 2017.